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THE TARIFF ACT OF 1894.

NOW that the tariff act of 1894 has passed into history and the clamor of campaign abuse and praise has come to an end for a space, it may be well to review briefly the history and the provisions of the measure, and to consider what place it has in the development of our tariff legislation. Current events pass rapidly into history, and details which were familiar when fresh are easily forgotten as new happenings press their claims to immediate attention. Some account of the act of 1894 deserves to be put on record before it is relegated to that past which is so recent as not yet to have a place in the pages of history.

I.

First, briefly to recall the events which led up to the new measure. It may be traced directly to President Cleveland's tariff message of 1887, which committed his party, till then but half-hearted, to an unreserved declaration in favor of free raw materials and lower duties on manufactures. On the issue thus raised, the campaign of 1888 brought a victory for the Republicans, followed in due time by the tariff act of 1890 — a measure which, it is safe to say, would never have been brought forward had it not been for the accentuation of party differences on the tariff that followed President Cleveland's bold stand for lower duties. The Republicans, not discouraged by their severe defeat in the Congressional elections of 1890, held

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immediately after the passage of the McKinley Act, were still content in 1892 to accept the tariff issue as the one on which the presidential campaign was to turn. Again they were beaten. The Democrats, twice victorious, might fairly claim an emphatic declaration of the people in favor of their policy. How clear the popular verdict may really have been, is as difficult to say as it always must be to interpret the meaning of a general election. The demoralization of the civil service, the scandals which that demoralization is sure to bring on every administration, the usual reaction of public favor, defections to the Populist Party — all these played their part. On the tariff itself, there has been little in public discussion to indicate that the true questions at issue have been fairly brought to the popular mind. A vague uneasiness about trusts and monopolies, which the protective duties were supposed to promote, clearly had much effect in strengthening the hands both of Democrats and of Populists; and the comparatively simple questions which at bottom are involved in the protective controversy have been obscured by a cloud of talk about wages and monopolies, British free trade and American patriotism. But the tariff issue certainly had been squarely presented in the campaign, and the Democrats were justified in acting on the theory that the popular will had declared itself in favor of a reduction of duties.

The dissensions among the Democrats which were made plain during the extra session of 1893 did much to deprive the party of the single-minded enthusiasm which the victory of 1892 had at first aroused. The narrowness of the majority in the Senate added to its difficulties. The administration endeavored to restore unity and discipline in the regular session, as it had already done during the extra session, by an insinuating use of the offices. As a matter of abstract political ethics, it would be impossible to defend the use of the executive's powers of appointment as a means of thus influencing legislation. As a matter of practical politics (using that term in its best sense), there might be a question as to whether a moderation of the protective duties, or a revolution in the traditional methods of dealing with the civil service, were the more

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important for the community. A president in the position of Lincoln might accept the abuses of the spoils system as rooted evils in our political machinery, to be accepted without further ado in view of the crisis of a civil war. A president who was convinced that a high protective tariff was the greatest evil resting on the community, might similarly submit to these abuses in order to accomplish the one pressing thing. In fact, however, the comparative importance of tariff reform and administrative reform cannot be stated in this way. What the American community now needs more than anything else is a bracing and an improvement of its political machinery — a general reform, of which civil service reform is but a part. Good government, as an end in itself and as an essential preliminary to social ends even more difficult to achieve, is now our most vital concern. No president has been in a better position to advance this cause by great steps than was President Cleveland. He chose to follow the old ways, influenced doubtless by a desire to achieve that remodeling of the tariff system which he had demanded in 1887. The result shows that, as in other cases, the sacrifice was made substantially for nothing. Party cohesion among the Democrats certainly was not promoted. So far as the tariff went, their majority in the House would have carried its measure in any case; while in the Senate, the obstacles from a narrow and uncertain majority were apparently not smoothed a particle by the patronage put at the disposal of sulky senators.

In the House, progress with the tariff bill was comparatively easy. The committee of ways and means, appointed during the extra session of 1893, was able to begin its preparations early, and reported its bill on December 19. The House passed it on February 1, substantially in the shape outlined by the party leaders on the committee. Matters went more slowly in the Senate. There the finance committee reported the bill on March 20, with many and important amendments. The Senate passed it, still further amended, on July 3. The nature of the changes made by the Senate will be more conveniently discussed as the different parts of the act are taken up in detail:

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their drift was in one direction, that of raising duties and taking the edge off the reductions proposed by the House.

The House and Senate disagreeing, the bill went to a conference committee. Almost without exception, during the last thirty-five years, the details of tariff bills have been finally adjusted in such committees; and it was to be expected that in this case, as in others, the act as passed would be half-way between the House bill and the Senate bill. This expectation was disappointed. In the Senate the Democratic majority was small; the bill there had been passed by a vote of thirty-nine to thirty-four, and among the thirty-nine were two or three Populist senators who owed no allegiance to the Democratic Party. The votes of all the Democratic senators were felt to be necessary for its final passage. Several among them insisted on amendments admitted to be distasteful to the mass of their party associates; and the close balance of parties in the Senate enabled them to command the situation. President Cleveland's letter to Mr. Wilson, urging resistance to the Senate amendments, had no effect beyond that of making clear to the country what were his own views. Whether better management in the Senate would have secured a result more in consonance with the party pledges, is not easy to say: beyond question, the leadership of the Democrats in the upper branch was lamentably unskillful. In the end, the House accepted all the amendments of the Senate, and the bill as passed by the Senate became the act of 1894. President Cleveland signified his justifiable discontent with its provisions by permitting it to become law without his signature. The act finally went into effect on August 28.

So much as to the immediate history of the act. We may proceed now to consider its main provisions.

II.

First and foremost comes the removal of the duty on wool, and with it an entire change in the duties on woolen goods. "Wool and Woolens" had been for years the central schedule

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in the protective system. The change here is an important — almost a revolutionary one; and it may be remarked at once that it is almost the only incisive change in the whole act.

Free wool is important politically and economically. The duty on wool had been the most significant feature in the policy of all-inclusive protection which the Republicans had emphasized in the McKinley Act of 1880. It had been almost the only article through which protection could be promised and given to agricultural voters. There had been duties, to be sure, on wheat, corn and meats — articles which were continuously exported and obviously could not be affected by an import duty. But wool was imported, and was really affected by the duty; and it could be fairly maintained that here the farmers got some share of the benefits of the protective system. Moreover, some of the central states of the country, like Ohio, where there was much wool-growing, were closely divided in politics. Here the wool duty played a prominent part, and it required some courage among the Democrats to present themselves squarely on the platform of free wool.

Economically, the removal of the duty on wool is a crucial application of the principle of free raw materials. In that advocacy of protection which has gained the most respectable hearing from serious students of economics, — the advocacy, namely, of the developing protection, or educational protection, or protection to young industries, — it has usually been explained that crude materials are beyond the scope of the protective policy. Even in the political arguments which we often hear from German writers of the present time, and in which national dependence and self-sufficiency play a large part, the line has usually been drawn against the inclusion of articles of this sort in the protective régime. The desire to encourage the manufacture of woolens has probably been quite as effective as these more theoretical considerations in preventing the extension of the protective policy to wool, even in the countries which in late years have gone so far in the direction of protection. At all events, no country of advanced civilization has maintained any duty on this material, and the

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retention of such a duty in the United States was perhaps the most characteristic feature of our protective system. President Cleveland had specifically advocated the free admission of wool in his message of 1887; the Democrats had put it on the free list in the Mills Bill, in which they outlined their policy in 1888; the Republicans had emphasized their adherence to the opposite policy by increasing the duty on wool in the McKinley Act. Now, at last, it goes on the free list.

It will be convenient to proceed at once to the other side of this question, the changes in the duties on woolen goods. Here the curious system of compound duties suddenly disappears. The manufacturers always insisted, and with good reason, that they were handicapped by the duty on the raw material, and that to offset it a duty must be imposed on the goods made by their foreign competitors. When once the protective policy is fairly in operation, the tendency is always to make generous allowance for disadvantages caused in this way, and so an imposing accumulation of duties becomes possible. Such had been the case with the duties on woolen goods. What with specific duties which were supposed merely to offset the import duties on the raw materials, and *ad valorem* duties which were designed to give net protection, the range of rates had been at eighty, ninety and one hundred per cent on the value. No part of the tariff was more intricate; in none was it more difficult to ascertain the real degree of net protection finally given the manufacturers; in none were the duties higher. In place of these old complex rates a simple system of *ad valorem* duties is now established. In the bill as passed by the House the rates were made forty per cent in the first year, with a reduction of one per cent each year for five years, until eventually a definitive rate of thirty-five per cent should be reached. But among the many changes made by the Senate was a moderation of this reduction. The duties on woolen goods were fixed at forty per cent once for all on the more important classes, and at fifty per cent on certain dress goods for women's use, in regard to which claims of vested interests were urged with special emphasis. This result is

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obviously far from an abandonment of the policy of protection, and indeed it reveals no appreciable moderation of the policy, so far as manufactures are concerned. The tenderness for the protected manufactures which marks the whole bill is further illustrated by the fact that, while raw wool is admitted free at once, the reduced duties on woolen goods do not go into effect until January 1, 1895. For a season manufacturers get their wool free, yet continue to enjoy the old high duties on their goods.

As to the effects of the general change in the wool and woolen schedule, it is impossible to speak with any certainty. Of course the protectionists predict ruin for the wool-growers from the free admission of wool. In fact, there will probably be some increase in importations, especially of finer wool from Australia; there may be some decline in domestic prices. In the more thickly settled parts, sheep will probably be raised more for mutton and less for wool. In the ranching regions of the West, the land, if fit for agriculture, may be more rapidly used for arable purposes; if fit only for pasture, it may be used more for cattle and less for sheep. It is exceedingly doubtful if any very deep-reaching change takes place. The only thing that is clear is that some grades of wool will be cheaper than they were before, especially those grades, the very fine and the very coarse, which have hitherto been imported in view of the duties.

As to woolen goods, there is less uncertainty. A radical reduction of duties might have brought an interesting experiment as to the extent to which industries, highly protected for a generation, really needed their props. The changes actually made leave the props substantially intact. The manufacturers themselves have always based their opposition to the free admission of wool chiefly on the ground that it would destroy the solidarity of protection, — that the farmers, deprived of protection for their wool, would in turn demand free woolens. It remains to be seen how far this expectation will be fulfilled. To the next stage in our tariff legislation is a far cry, and he would be rash who should predict with confidence an eventual

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outcome such as the protectionists fear. At all events, for the immediate future the manufacturers have every reason to be content, and indeed they hardly profess to be otherwise. The advocates of free wool have always maintained, with much show of reason, that their policy, even with greatly reduced rates on woolens, would vivify and benefit the manufacturing industry. As matters stand, the industry gets the benefit of cheaper wool, while retaining very substantial protection on its products. It is likely at the least to hold its own.

One prediction as to the future may be ventured on. Free wool has come to stay: and this, even though a reaction toward protection in general should set in. When the woolen manufacture has adjusted itself to the new conditions and has had wool free of duty for a season or two, its representatives will protest against any change. Agriculture will be found to have been able to endure the shock. A duty on wool and a return to the old complicated system could come only as a partisan bid for the endorsement of extreme protection, such as the Republicans, after the experience of recent years, are very unlikely to make.

We may proceed now to other parts of the measure, and first, to the changes in the duties on other textile materials and products. On the manufactures of cotton there is a change, but no considerable shaving in the duties. On some of the cheaper grades there is a reduction, which on the surface is considerable. Thus the cheapest class of unbleached and unprinted cotton goods becomes subject to a duty of one cent per yard, in place of the old duty of two and one-half cents. But these goods are made as cheaply in the United States as in foreign countries, if not more cheaply; they would not be imported in any event; and the change in duties is merely nominal. On finer cotton goods, more than likely to be imported, the changes in rates are slight. The general rates on cotton manufactures not subject to specific duties go down from forty per cent to thirty-five per cent, or from fifty per cent to forty per cent. On certain knit goods and stockings, which were subjected to high and complicated duties by the

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McKinley Act of 1890, the new rate is fifty per cent, which, while a reduction from the McKinley rates, is higher than the duty in force before 1890. Silk manufactures, on which the protective duties of the last generation have had very important effects, are hardly touched. The duties on some silks go down from sixty to fifty per cent, on others from fifty to forty-five per cent. The changes are hardly worth mentioning. Much the same is the case with linens. Raw flax, which had previously been subject to a slight duty, is now admitted free. Manufactures of flax are admitted at reductions of duty very similar to those just noted as to silks. Since virtually no linens of finer quality are produced in this country, and those of coarser quality are as effectually shielded by the new duty as by the old, matters remain very much as they were. One change is an exception. Bagging of jute, flax or hemp, for grain or cotton, is admitted free of duty — a direct concession to the farmers and planters.

Next we may turn to the duties on minerals and mineral products. Here the articles to which public attention was chiefly given were coal and iron ore. These are by no means the most important articles in this part of the tariff schedule; but as they are emphatically raw materials, the question of principle in dealing with such was most hotly raised as to them. The dispute between the two houses of Congress drew to these duties a share of public attention quite out of proportion to their intrinsic importance.

Free coal would be of some consequence on the North Atlantic coast and on the Pacific coast. Both districts happen to be far from the domestic sources of supply, and comparatively near to mines across the border. The Pacific coast gets coal from British Columbia and from Australia, and feels the duty on coal as an undesirable burden. But as there are few manufactures, and as the climate is mild, the burden is not a serious one. In New England, essentially a manufacturing community, the case might be different. Some Canadian mines are geographically a bit nearer than the mines of West Virginia and Virginia which feel their competition. It is a question how

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serious that competition would be, how good the quality of the Canadian coal would prove, how effectively the transportation of this coal could be organized. But it is difficult to see any good reason for not giving New England every chance in regard to the supply of coal. The opposition to the repeal of the duty was a clear and simple case of an attempt of certain producers to make levy on consumers. Coal had been made free by the House; it is subjected in the act to a duty of forty cents per ton. The old rate was seventy-five cents. No amendment made by the Senate was more disappointing to those who were earnest in the advocacy of tariff reform.

The situation is very similar in regard to iron ore. Here, too, the question of duty or no duty was immaterial so far as the great bulk of domestic production and consumption was concerned. The question was simply whether certain iron and steel establishments near the seaboard should get their iron ore free, or should be induced by a duty to buy domestic ore produced at a distance. The only ore likely to be imported in any appreciable quantity was Bessemer ore. Small quantities of other ore, used for mixing with domestic ore, were certain to be imported in any case, duty or no duty; the question of detriment to producers at home could arise only as to Bessemer ore. Of this, the great domestic source of supply is in the heart of the country, on the shores of Lake Superior. Smelters on the Atlantic seaboard, by virtue of the cheapness of water transportation, are virtually nearer the mines of Cuba, Spain and Elba, than they are to the Lake Superior region. The duty simply enables the product of the latter district to find a market farther east than it would under conditions of freedom. Directly, the issue here was between the great corporations which mined the ore in the West, and the other great corporations which had iron and steel plants on or near the Atlantic seaboard. How far the public would gain cheaper iron and steel is problematic. It might be fairly argued, in view of the long series of producers and middlemen whose operations must intervene before the finished product of industry can reach the consumer, still more in view of the hindrances to unfettered

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competition among these middlemen, that not only the immediate question, but the ultimate question, was between two sets of producers, not between the producers and the public. But so far as any question of principle was concerned, everything was in favor of free ore. Arguments as to the development of national industry or the fostering of national independence could not be to the point; since the great bulk of our iron ore and the great bulk of our iron and steel are sure to be produced within the country under any circumstances.

The fate of the iron-ore duty was the same as that of the coal duty. The House repealed it; the Senate restored the duty, but at forty instead of seventy-five cents per ton.

The duty on pig iron is brought down in the act from $6.72 to $4 a ton. In the House of Representatives the duty had been made twenty per cent, which would have meant a much more considerable reduction on most qualities of iron. Twenty years ago, or even ten years ago, such a change as was proposed by the House would have been of great importance: even that now enacted would have been of moment. Under present conditions, the reduction does not signify much. The production of crude iron has advanced at an enormous rate during the last two decades. With the discovery of new sources of supply, with improvements in production and transportation, the great bulk of the iron would be produced at home, even if there were no duties at all. Some parts of the Atlantic and Pacific seaboards, which are distant from the domestic centres of production, would import iron, if free of duty, rather than buy it at home. This may be done in outlying districts under the reduced duty; but hardly to any appreciable extent.

The change in pig iron is in the main significant of what has been done with other products of iron and steel. Duties are reduced a bit, but the changes are not often of much importance. Steel rails, for example, which had been subject to a duty of $13.44, go down to $7.84. The steel-rail makers have a compact and effective organization, and the duty on their products was unquestionably one of those which con-

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tributed to the maintenance of monopoly profits. Nothing could have been lost, and something might have been gained, by a further lowering of the duty. On one other much disputed article a change is made, which will be of greater practical importance. The McKinley Act had greatly raised the duty on tin-plate. This is now reduced by exactly one-half, leaving it at one and one-fifth cents per pound. Curiously enough, the rate is still higher than it was before the McKinley Act was passed, and so that measure still leaves its mark on the statute book. Under the reduced duties, larger imports will doubtless come in, and some cheapening for the consumer will be secured.

One phase of the iron and steel schedule is still to be noticed — the retention of specific duties in place of the *ad valorem* duties which had been adopted by the House. In some cases, it is true, the Senate simply raised the *ad valorem* rates which the House proposed; and here the outcome is usually a substantial reduction from the old specific rates. Thus the duties on chains, guns and some sorts of cutlery remain in *ad valorem* form, and are considerably lower than they were before. The general retention of specific duties by the Senate was among the changes which most disappointed the advocates of lower duties; and this for the simple reason that it was made the occasion for higher rates than had been proposed in the other form. So far as the direct question of administrative advantage goes, everything speaks in favor of specific duties; and our tariff reformers have usually been curiously blind to the difficulties inevitable in the collection of *ad valorem* duties. But these latter have the unquestionable advantage of telling their own tale. What the meaning and effect of a specific duty is, can often be known only to a few persons familiar with the details of some minute branch of trade. In fixing them, the legislator necessarily seeks the advice of experts, who are likely enough to have wishes and interests opposed to those of the public. Wittingly and unwittingly, these duties have often been arranged in a manner to promote the interests of particular enterprises, and so to justify the charge that they

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tax the many for the benefit of the few. Hence the natural repugnance of those who are opposed to the principle of protection; hence their disappointment when the comparatively simple scheme of *ad valorem* duties adopted in the House was transformed by the Senate into a system of specific duties, intricate, bewildering and not unfairly open to suspicion.

Among other articles, perhaps the most important change is that upon earthern and china ware. Here it is somewhat surprising to find a real and effective change in the duty. Finer qualities of chinaware go down from sixty to thirty-five per cent, the cheaper qualities from fifty to thirty per cent. The finer qualities have always been imported in very considerable quantities; it is very possible that under the reduced duty large quantities of the cheaper grades may also be imported. On what principle these articles should have been selected for special reduction, it is difficult to say; but certainly there is here a substantial change. Glassware of all sorts remains very much as it was.

III.

A set of questions entirely different from those which arise in regard to manufactured articles and the raw materials used in them is presented by the duty on sugar. This involves not only the question of protection, but also questions of fiscal expediency, of social policy in taxation and of social policy in industrial organization. The tax on raw sugar involves questions of revenue, and of the social effects of taxation. That on refined sugar presents a curious medley of social problems and issues as to protection.

First as to raw sugar. The duty here is mainly a revenue duty. Roughly, nine-tenths of the total consumption is supplied by importation; one-tenth comes from the sugar plantations of Louisiana. The duty in the main is thus a revenue duty, while as to the Louisiana product it operates as protective. In the McKinley Act of 1890 sugar had been admitted free, though the principle of protection had been maintained by giving to the Louisiana planters a bounty at the rate of

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the old duty (two cents a pound). The domestic production of beet sugar is insignificant, and it played no serious part in the settlement of the sugar schedule.

The reasons for and against the duty on raw sugar may be summarized as follows. In favor of the duty it is to be said that it would yield a large, certain, steady revenue. Some increase in the revenue was agreed on all hands to be necessary. No one change in the McKinley Act had done so much to upset the federal budget as the removal of the duty on sugar, and no one change was so certain to bring an additional revenue as the re-imposition of this tax. In view of the position of the federal treasury as the holder of the metallic reserve for virtually all the paper money outstanding, it was of prime importance to put it in a secure financial position.

Next, while the sugar duty is a tax, it is a direct and unmistakable tax. In the nonsense familiarly presented in advocacy of protective duties (I would not imply that no nonsense is presented on the other side), it is common to hear the assertion that a duty on commodities made at home does not operate as a tax, and that a remission of revenue duties, like those on coffee, tea and sugar, is in a special sense a remission of taxation. It would be the part of courage and honesty for those opposed to protection to impose revenue duties boldly and remit protective duties freely. As between duties on raw wool, coal and iron ore on the one hand, and a duty on sugar on the other, the party opposed to the principle of protection should unhesitatingly choose the latter.

Thirdly, the Louisiana sugar producers were fairly entitled to some consideration. Unlike the wool growers, their industry involved a considerable plant, and offered no opportunity for a quick or easy change to something else. An immediate abolition of duty, or of the equivalent bounty, would unquestionably work hardship for them. In view of the tenderness with which most of the protected industries were treated, they might reasonably complain of any sudden and unconditional withdrawal of the aid which they had had for generations.

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The strong argument against the duty is that which bears against almost every indirect tax productive of a large revenue. To be productive, such taxes must be imposed on articles of wide consumption; and articles of wide consumption are always of the sort consumed proportionally more by the poor than by the rich. The tax is socially unjust. The full weight of this objection can be fairly judged, to be sure, only on a consideration of the incidence of an entire system of taxation, — in the present case, not only of the federal taxes, but of the state and local taxes as well. It might conceivably be maintained that the state and local taxes, which are chiefly direct, serve to offset the injustice of an indirect tax like the sugar duty. It is probable that other parts of the tariff schedule, notably the duties on textiles, bear most heavily on commodities consumed by the well-to-do. But a comprehensive inquiry of this sort would almost certainly fail of a satisfactory conclusion; and it is inevitable that Congress should have an eye solely to the federal taxes which are under its control. Add the social injustice of the sugar duty, considered *per se*, to its visible and unmistakable payment by consumers, and the pressure against it becomes formidable in a democratic community.

The conflict between sober counsels in favor of a productive revenue tax, and democratic impatience of a tax suspected of aggravating the unequal distribution of wealth, was emphasized by the income-tax proposal. A discussion of the income tax is not within the scope of the present paper. But obviously such a tax is precisely what the sugar tax is not. The revenue from it is uncertain, and in any case will come in slowly, affording no prompt relief to the treasury. On the other hand, levied as it is only on incomes of over $4,000 a year, it is a tax on the well-to-do alone, and, so far as it goes, is an attempt to moderate the unequal distribution of wealth. The income tax is popular in the South and West, where the national finances and the strength of the federal treasury are matters of comparative indifference; while the sugar tax (barring the exceptional case of Louisiana) is strongly opposed in those regions.

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Curiously enough, the outcome of the action of Congress was that both of these taxes were put into operation. It is true that in the bill as passed by the House sugar was made free and the bounty was given up. But in the Senate the two Louisiana senators were among those whose votes were needed if the tariff bill was to pass that branch, and they insisted on some concession to their constituency. The administration, anxious for a substantial treasury balance, also brought its influence to bear in favor of the sugar duty. Consequently a duty was inserted by the Senate and it remains in the act; while the income tax, which in the House had been in a manner a substitute for the sugar duty, was also retained in the Senate.

To the present writer, fiscal conditions and justice to the Louisiana producers seem to speak in favor of a duty at a moderate rate — say one cent a pound. The duty might have been advantageously imposed for a limited period, for five years or thereabouts, at the end of which time the treasury would probably be able to dispense with the revenue. But the bill as it became law imposed on raw sugar an *ad valorem* duty at the rate of forty per cent. This is not so very far from being equivalent to a specific rate of one cent per pound. The *ad valorem* form is peculiar; and it raises some questions which can be best understood after a consideration of the other aspect of the duty — the rate on refined as compared with raw sugar.

The salient facts as to the sugar refiners and their relations to the tariff system are simple and familiar. Sugar refining has been, almost as a matter of course, within the protective pale, and has been aided by a duty on refined higher than that on raw sugar. The policy of discriminating in this way in favor of the domestic refiners would probably not have been questioned, except in the matter of degree, had it not been for the development of monopoly conditions in the industry by the formation of the Sugar Trust, which later grew to be the American Sugar Refining Company, still popularly known as the trust. This put a new phase on the matter in the public eye,

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the more so as the sugar combination had been the first of the original trusts, and had been more prominently before the community than any other. The more ardent free traders have always contended that protective duties are the chief cause of combinations and monopolies, or trusts. It needs no great acquaintance with economic history, and no great skill in general reasoning, to show that the tendency to combination has deeper causes than protective legislation, and presents problems more difficult and more important than those involved in the tariff controversy. But it is undoubtedly true that in some cases the drift toward monopoly conditions has been promoted by favoring duties. Sugar refining happened to be a case of monopoly familiar to all the world; while the nature of the article made a tax in favor of the monopoly producer particularly odious.

With all sugar free, whether raw or refined, the American refiner would be at some slight disadvantage, since freights would amount to a trifle more on raw sugar than on the less bulky refined sugar which might have been imported from foreign quarters. But this disadvantage would be insignificant. Practically, free sugar, as proposed in the House bill, would have left the refining monopoly to stand on its own bottom, neither helped nor hindered by the tariff. A level duty, at the same rate on raw sugar and on refined, would put the refiners to some real disadvantage. From 100 pounds of raw sugar something less (95 to 98) of refined sugar is obtained, and a level duty would operate distinctly to the advantage of the foreign refiner. Hence, if a revenue duty were imposed on raw sugar, and if it were desired to treat the refiners with absolute indifference, a slight additional duty should be put on refined. Exactly how great this additional duty should fairly be, it is not easy to calculate. The data for the calculation must come chiefly from the refiners; and any figures furnished by them must be received with caution. But a very small difference would suffice to prevent refiners from having any ground for complaint. If a duty of one cent a pound were put upon raw sugar, an additional duty of one-twentieth of a cent

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would be ample to offset the loss in weight on refined sugar made from the dutiable raw sugar.

Naturally, the sugar refiners wanted something more than bare equality. They wanted a continuance of the favors which the legislature had granted them for generations in the past. In the tariff act of 1890, where raw sugar had been admitted free, refined sugar had been subjected to a duty of one-half a cent per pound. It is probable that the actual business of refining is carried on at least as cheaply in the United States as in any foreign country, and that without any protection at all the sugar-refining industry could maintain itself, and the sugar monopoly make handsome profits. With a barrier against foreign competitors such as the tariff of 1890 gave, the profits were enormous. It was inevitable that great efforts should be made to preserve them.

Briefly, the changes which the sugar schedule underwent during the session were as follows. In the tariff bill as first reported to the House by the committee of ways and means, raw sugar was left free, and a duty of one-quarter of a cent per pound was put on refined sugar. In other words, the largess given to the trust by the act of 1890 was to be reduced one-half. In the House, however, the feeling was in favor of a more radical change. The provision for a duty on refined sugar was struck out; and all sugar, raw and refined, was put on the free list, so depriving the trust of all legislative favors. In the Senate, the finance committee amended the sugar schedule by imposing specific duties on raw sugar, roughly at the rate of one cent per pound, with an additional duty of one-eighth of one cent per pound on refined sugar. The duty on raw sugar was inserted partly to secure revenue, partly to secure the votes of the Louisiana senators for the bill. But when final action came to be taken in the Senate, still another change was made. The duty on raw sugar was changed from specific to *ad valorem* form, and was made forty per cent. Over and above this, the duty of one-eighth of one cent on refined sugar was retained. Still further, a provision which had been introduced into the tariff act of 1890 was also retained, by

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which an extra duty of one-tenth of a cent per pound was imposed on refined sugar coming from countries that gave an export bounty. In this form the sugar schedule was passed by the Senate, had finally to be accepted by the House, and so became law.

The final outcome was more than satisfactory to the Sugar Trust. There was the duty of one-eighth of a cent on refined sugar, with an extra one-tenth of a cent on refined sugar coming from those continental countries, especially Germany, which gave an export bounty, and whose competition was alone to be seriously dreaded. The *ad valorem* form of the duty on raw sugar was also advantageous. *Ad valorem* duties are assessed on the value of the imported commodities at the time and place of purchase. Raw sugar comes largely from distant countries, or from countries with which transportation is not highly organized, as from Cuba, Java, Brazil and the Hawaiian Islands. The value at the place of purchase is comparatively low, and freight is comparatively high. On the other hand, refined sugar would be imported, if at all, only from the more advanced European countries. Freight charges from these are low, and the value at the time and place of purchase does not differ very greatly from the value at the American ports. Virtually, therefore, the *ad valorem* duty is less heavy on raw sugar than on the refined, and so yields to the refining monopoly an advantage, not easy to calculate, yet probably substantial. It is certain that this form of duty was advocated by the representatives of the trust — in itself a reasonable ground for suspicion. That the change from the specific to the *ad valorem* form should have been made in the Senate, where the general drift of the changes was in the opposite direction, is one of the mysteries of the session. The *ad valorem* duty has a certain specious appearance of adjusting itself to the varying qualities of raw sugar, and perhaps on that ground won the approval of the secretary of the treasury, whose favorable opinion had much to do with its adoption. But the general grounds on which specific duties are preferable to *ad valorem* could here be offset by no such objections as were

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noticed in regard to the specific duties on manufactured goods. The *ad valorem* rate is difficult to defend, on grounds either of administration or of industrial justice.

Much was said during the session and after the session of influences brought to bear by the trust on certain senators. An investigation held during the course of the session brought out some facts freely suspected before, and not creditable to our political life. It was admitted that the trusts had made contributions to the chests of both political parties, although nominally to the state organizations only. No bargains are ever made in these too familiar cases, but it is expected and understood that what is called "fair consideration" will be given to the interests of the obliging donor. It was proved also that some senators had speculated in sugar stock. No protest as to the absence of connection between such dealings and the legislator's vote can save them from the taint of dishonor. It would appear also that the successful outcome of the imbroglio for the trust was promoted by the position of the Louisiana senators, who were anxious to secure a duty on raw sugar, and who seem to have entered into some sort of bargain for supporting the higher duty on refined sugar in exchange for aid to their own efforts.

In any case it is clear that the sort of manipulation by which the refiners succeeded in retaining their favors from the tariff was possible only because of the narrow majority which the Democrats had in the Senate. Where one or two votes would have sufficed to block the whole measure, the opportunity for dishonest or selfish pressure on legislation was easy. It is possible to bribe or convince or interest a few legislators, and induce them to throw to the winds party consistency and public justice; but fortunately our conditions are not so corrupt as to make it possible to bribe a whole party or overturn a strong majority. In the House, where the Democratic majority was greater, the manipulation of sugar duties was impossible. It was in the Senate, where a change of one or two votes meant failure to the whole measure, that the unsavory result was achieved.

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No doubt the strong feeling which the surrender to the sugar monopoly aroused rests largely on a blind opposition to combinations in general, and to the corporations which are supposed, rightly or wrongly, to have a monopoly position. Whether the tendency to combination is to be welcomed or regretted, has not often been soberly considered by the American public. The usual assumption is that it is an unquestionable evil, to be fought in every way by legislation. That disposition which shows itself so markedly among German economists, to welcome combinations and consolidations and to use them as instruments of social reform, here finds hardly an echo. Doubtless the popular instinct is right. The drift to consolidation and monopoly presents problems with which a democratic community can deal only under great disadvantages. To regulate it, to use it, to secure from it the possible benefits, requires a degree of nicety and consistency in legislation which our American communities could reach only by slow and arduous steps. Legislation to check consolidation may be unwise, and probably is futile; but legislation directed to encourage it, still more legislation to augment the profits of a monopoly, is surely of the worst.

The revulsion against the extreme protective system which showed itself in the elections of 1890 and 1892 was probably in a large degree a consequence of the popular feeling just described. While the essential question as to protective duties is comparatively simple, the intricate reasoning which is needed to follow the effects of such duties into all the ramifications of international and domestic trade can have but little influence on the average citizen. He reasons from few premises, and is affected by simple catch-words. The outcry against trusts and monopolies, though in fact it describes an exceptional rather than the normal working of protective duties, was probably the most effective argument in bringing about the public verdict against the McKinley Act. It is expressive of the general feeling of unrest as to the power of the corporations, the growth of plutocracy, the gulf between the few very rich and the masses of comparatively poor, which is becoming a stronger and

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stronger political force, and is destined in the future to have larger and larger effect on legislation.

IV.

It is clear that the new tariff act makes no deep-reaching change in the character of our tariff legislation. The one exception is the removal of the duty on wool. Barring this, we have simply a moderation of the protective duties. A slice is taken off here, a shaving there; but the essentially protective character remains. This would have been the case even had the Wilson Bill, as originally proposed to the House and passed by that body, become law. That less anxiously conservative measure was of course alleged by its opponents to portend ruin to American manufacturers and prostration to American labor. In fact, while it might have affected some industries, it would have caused no considerable disturbance of industry and no appreciable rearrangement of the productive forces of the nation. The act as finally passed is even less potent for good or for evil. As far as it goes, it begins a policy of lower duties; but most of the steps in this direction are feeble and faltering.

It is natural that comparison should be made between a measure like this, which is declared by one party to be but the beginning of further like changes to come, and the measures by which England's tariff system was shorn of every vestige of protection. No one can be sure what will be the future policy of the United States, and whether it will advance further in the direction now taken. But it is safe to predict that, if it does so, the process of reduction in duties will much resemble that which England went through in the second quarter of this century. The change, if made, will be gradual, with much regard for vested interests, and often more nominal than real. Raw materials will first be dealt with, as they were first dealt with by Huskisson in the third decade of the century. The free admission of raw materials will indeed not have, for generations to come, the degree of importance for the United States

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which it had for England. But it is with raw materials that the important changes will be made, and it is probably with them that the changes will have the greatest real effect. The Corn-Law struggle will have no counterpart in the United States; but this was an episode in English tariff history that stood largely apart from the general movement toward lower duties. As in England during the first half of the century, and as in this American tariff act of 1894, the reduction on manufactures will be largely nominal, — first to a point where the duties will still suffice to ward off foreign competition, and in the end perhaps to the stage of complete repeal, when the articles are produced as cheaply within the country as without, and substantially are not subject to foreign competition at all. Protection on manufactures will be given up, in the main, only when it is no longer needed.

Whether the stage of independence will have been reached in consequence of the duties, will be as difficult to ascertain with accuracy in the case of the United States as in that of England. No assertion is more common with us than that manufactures in England were nursed into independent vigor by the protective duties of the seventeenth and eighteenth centuries, and no promise is more common than that our own protected industries will eventually reach a point in their growth at which support will no longer be needed. The economic history of England during the last three centuries, and that of the United States during the nineteenth century, will need more detailed study than has yet been given them before unqualified answers can be given to the questions here suggested. But as the indications are that England's manufacturing supremacy was due to the inventive genius of her mechanics, her fortunate natural conditions and the spirit of freedom in her industrial and political life, so the indications are that the growth of manufactures in the United States has been due to deeper and more permanent causes than tariff legislation. However that may be, it is clear that the United States is certain under any tariff condition to be a great manufacturing community, with great masses of indus-

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tries not protected by duties, or in fact independent of them; and no process of reduction will change the general trend of our industrial development.

No doubt there are in the United States, as there were in England, industries on which the protective system has more substantial effect. The most striking case in England was that of the silk manufacture, on which the effect of the gradual reduction and eventual abolition of the duties was serious. The finer grades of textiles in the United States — less perhaps with silks than with finer cottons or woolens — present a similar case. These, we may be sure, will be handled gingerly, as they were handled gingerly by the Congress of the present year. Consequently a considerable growth of importations, with a considerable change in the currents of international trade, is likely to appear mainly in those raw materials, such as wool, which may tend to flow into the United States rather than out of it. Such changes, in the nature of the case, must be far less important than they were in England.

As to the future of legislation, whether as to a further moderation of the protected duties in the near future, or the ultimate attainment of anything like free trade, or a growing use of direct taxes like the income tax as important sources of federal revenue, he would be rash who ventured on prediction. The next important contest will come in the election of 1896, when a president and a new Congress will again be chosen. The cue of the protectionists seems now to be to let well enough alone, to accept the tariff as it is, and to protest against disturbance of industry by further legislation. It may be that it is really best to put an end for a while to the uncertainties of the situation; and the weariness which is inevitable after every long struggle may push the tariff issue into the background and leave duties as they are for a long time to come. A redundant revenue is likely to appear once more in the course of a year or two, and will necessitate some reduction of taxes. Whether the income tax will then go, or the sugar duty, or some of the protective duties, must depend upon

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accidents of political fortune as to which there is now little basis for any forecast.

Apart from the right or wrong, the expediency or inexpediency of protective duties, it is certainly to be wished that this particular question should occupy a less prominent place in the minds and in the votes of the American people than it has occupied heretofore. The extent to which the prosperity of the community depends on high import duties has been ludicrously exaggerated by their friends; and the benefits which will accrue from lower duties have been almost as much exaggerated on the other side. A satisfactory solution of the currency difficulties is of more real importance than the modification of the tariff system one way or the other. Even more important is the solution of those great social questions which move more and more into prominence, and which must inevitably command more attention than they have received from legislation and from political parties in the past. The problem of public ownership or public supervision of the means of transportation; the mode in which the great monopoly industries shall be dealt with; the question as to labor, the hours of work, the legal rights and actual doings of labor organizations; the redistribution of taxation by inheritance taxes, by income taxes, by taxes on the unearned increment, — all demand more thoughtful attention than they have received. It may be that the Populist movement, with all its absurdities and extravagances, marks the beginning of a juster attention to such pressing problems. At all events, it is certain that these must eventually push aside issues of comparatively minor importance like the tariff. The sooner the best intelligence of the country, amongst public men and men of affairs as well as among academic students, is turned in this direction, the sooner may we hope for some solution of the really difficult problems that will beset the democracy of the twentieth century.

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THE INCOME TAX.

THE income tax is now a reality. Amid the din and confusion of the tariff controversy comparatively little attention was paid to what seemed a subordinate feature of the general scheme. Although vehemently opposed and as energetically defended, it has as yet failed to receive adequate consideration. Why was the law enacted? What does it really mean? What are its advantages and what its defects? What will be its consequences? Has it come to stay, or will it disappear as suddenly as it arose? These are all questions as weighty as they are interesting. It is worth while to attempt to answer them.

I.

The taxation of incomes is a comparatively modern idea. Its introduction may be ascribed to two distinct causes: on the one hand the need of increased revenues, and on the other the professed desire to round out the existing tax system in the direction of greater justice. Let us glance briefly at the history of the income tax, in order to ascertain the comparative importance of these causes.

The original form of taxation, as is well known, was the land tax. With the gradual increase of wealth this everywhere developed into the general property tax. The means or property of the individual came to be considered the best test of his faculty, or ability to contribute to the public burdens. For reasons of convenience the property was often estimated not by its capital value, but by the annual produce or revenue-yielding qualities. In the middle ages, when land was rarely alienated and had no fixed market value, the rent was the best test. The land tax was accordingly assessed on rents. So in later times, as in some of the American colonies, like New York, Massachusetts and others, the assessors of the real

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estate tax were instructed to ascertain the revenue from the land, and then by a process of multiplication to compute the property value.[1]

The value of property is generally the capitalized earnings, actual or prospective. But when the property yielded no annual return, the tax was naturally assessed on the capital value. In the early middle ages the bulk of the personal property consisted in movables used for consumption. Thus the general property taxes, like the tenths and fifteenths in England, were levied on the rents of lands and the selling value of movables. It soon appeared, however, that there might be an annual revenue without any capital value at all; and it was deemed unjust to allow such revenue to go scot free. Hence we find that almost everywhere an attempt was made to tax the earnings of the laborers and professional classes, as an adjunct to the general property tax. But the attempt met with scant success. For reasons that are now well understood the mediæval direct taxes everywhere again resolved themselves into taxes on land.

In the New England colonies the history was much the same as in Europe. In Massachusetts Bay the original land tax developed into a tax on "estates, both real and personal." But in 1646 it was provided that "all persons as by the advantage of their arts and trades are more enabled to help bear the publick charge . . . are to be rated for returns and gains" (or as it is expressed elsewhere, "for their returns and incomings") "proportionable unto other men for the produce of their estates." In the other New England colonies the same principle was introduced. Individuals were now rated according to their "goods, faculties and personall abilities."[2] It was a taxation of product in cases where there was no property. But the tax went the way of all similar attempts. Land soon

[1] *Cf.* the assessor's oath in New York, law of 1743, sec. 13: "I do swear . . . that I shall carefully . . . compute the yearly value of the income of such estate, and for each shilling which I shall so value each person's estate at yearly, I shall rate such person a pound."

[2] See for references the article on "The General Property Tax," POLITICAL SCIENCE QUARTERLY, V, 58 (March, 1890).

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became practically the only subject of taxation, and the legal provisions as to faculty and earnings gradually disappeared. In only one commonwealth did the system persist. The present income tax of Massachusetts is a direct outgrowth and survival of the original effort to tax product. In the southern colonies, where the influence of the landed aristocracy was strong, there was for a long time not even a direct property tax, much less a tax on product. But in Massachusetts the law remained, and was gradually extended to other forms of earnings than merely those of "manual persons and artists." In 1706 the tax was imposed on "incomes by any trade or faculty"; the act of 1738 added the words "business or employment"; and the act of 1777, which was continued by the new constitution, went so far as to levy the tax on "incomes from any profession, faculty, handicraft, trade or employment." This still remains the law to-day, except that the word "faculty" has been omitted since 1821, and the word "handicraft" since 1836.

With the single exception of Massachusetts, every existing income tax is a creation of the last hundred years. England led the way in the introduction of the new system. When Pitt had come almost to the end of his fiscal expedients during the desperate struggle with France, he introduced in 1798 the famous "triple assessment." The so-called "assessed taxes" at that time included taxes on carriages, servants, horses, dwellings, dogs, powder and watches. Pitt took the taxpayers who were assessed to these taxes, and multiplied their assessment by a figure ranging from three to five times the original amount. Although reference was made to income in several places, the tax was really on expenditure, or on the presumed income as calculated by expenditure. Partly for this reason and partly because it was levied only on those who had previously paid the "assessed taxes," it was a failure. Accordingly in 1799 the new "property and income tax" was levied directly on income, not on expenditure, and all persons were required to make a return of their total income. In 1803 an important change took place, in that the tax was no longer

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assessed on the total income, but on each source of income by itself, in five schedules. With some minor changes the tax continued until the close of the Napoleonic wars, when it was dropped, not to reappear until 1842.

At that time the contemplated abolition of the Corn Laws and the abandonment of the protective system made it necessary to seek some compensation in other directions. It was, therefore, chiefly as a revenue measure that recourse was had to the old income tax, now reënacted on about the same lines as those of 1803. But what was imposed as a mere temporary makeshift has grown to be a permanent part of the English tax system, which no one now thinks of abandoning, and which yields an annual revenue of about seventy million dollars, capable of increase or diminution according to a change in the annual rate.

As in England, so in Italy the revenue feature was the chief consideration in the origin of the present income tax. It was adopted by Cavour, the great admirer and student of England, as a means of support for the newly-born Kingdom of Italy. Initiated by the law of 1864 and greatly altered by the law of 1877, the Italian income tax now yields about fifty millions a year.

In France, again, the immense burdens of the war of 1870 led the financiers to cast about for means of relief. The sad memories of the abuses connected with personal taxation before the Revolution were still strong in the minds of the public. Although a general income tax was proposed, the law enacted in 1871, which is still in force to-day, provided for a tax only on income from corporations and associations. This partial income tax yields about seventy-five million francs a year.

In the United States the federal income tax was also due to fiscal considerations. During the War of 1812, Secretary Dallas had put forth a scheme of a general income tax, and if peace had not been concluded a few weeks later, there is little doubt that the proposition would have been adopted. When the Civil War broke out, the fiscal exigencies were such that

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no opposition to the scheme was made. The income tax sections of the Direct Property Tax Act of 1861, however, were never put in force, and it was not until 1862 that an "income duty" was levied on all annual "gains, profits or income." The tax, of which we are told in the government reports that "the people have accepted it with cheerfulness," grew increasingly unpopular as the great need of revenue diminished, until the system came to an end in 1872.

While in England, Italy, France and the United States, thus, the income tax was due primarily to temporary needs of the government, in other places, like Germany, Switzerland, Australia and some of the American commonwealths, it was adopted as a means of improving the general tax system. In the German states the real-estate tax had become by the beginning of the century a tax on the produce of land and houses. To this some of the states gradually added taxes on the product from other sources, like capital, business and individual exertions. Other states sought to make the system more equitable by regarding the personal situation of the profits-receiver, rather than the amount produced. Thus, there grew up on the one hand a general income tax, as in Prussia, Saxony and Baden, and on the other hand a system of partial income taxes supplementing the original taxes on product, as in Bavaria, Württemberg and some of the smaller states. But everywhere the idea was to attain a greater uniformity and equality of taxation. So also in Holland, the two laws of last year have finally realized the much mooted scheme of reform, introducing a general plan of income taxation, through a tax on income from property and a separate tax on income from all other sources.

In the cantons of Switzerland the system of taxation was for a long time exactly the same as in the American states. But the inadequacy of the general property tax finally led them to supplement it by a taxation of incomes. In some cantons we find a general property tax and a general income tax; in others, we have a property tax on certain elements and an income tax on other elements. But in the majority

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of cases we find a property tax together with a supplementary income tax, in order to avoid double taxation. In democratic Switzerland as in monarchic Germany, the income tax has become so firmly intrenched that any proposition to abolish it would be regarded as a retrograde step.

Some of the American commonwealths also have endeavored to remedy the defects of the general property tax by the imposition of an income tax. This is a chapter in the history of finance which has been almost entirely overlooked, and which can only be alluded to in this place. The still existing income tax in North Carolina was begun in 1849, because, as the preamble of the act recites, "there are many wealthy citizens who derive very considerable revenues from . . . interest, dividends and profits, and who do not contribute a due proportion to the public exigencies."[1] So also the income taxes of Alabama and Virginia, which were introduced in 1843 and 1849, arose out of dissatisfaction with the existing property taxes. These examples are all the more significant when it is borne in mind that the defects of the general property tax were by no means so glaring fifty years ago as they are to-day. It is true that most of these income taxes were failures, for much the same reason that the tax on personal property has become a farce. In Alabama the income tax was abolished in 1884; only in Massachusetts, Virginia and North Carolina is any attempt made to-day to levy an income tax, and in these states the attempt for many reasons meets with a very slight degree of success. But the point to be emphasized here is that the income tax, whenever introduced into any American commonwealth, was enacted with the avowed purpose of removing inequalities in the tax system.

In Australasia, also, there has been of recent years a very decided movement toward income taxes for the purpose of rendering the revenue systems more equitable. An income tax has existed in South Australia since 1885, in addition to the land tax. In Tasmania an income-tax bill has recently been introduced. In New South Wales a similar bill was

[1] N. C. Acts of 1848–49, chap 77, p. 129.

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passed by the Assembly a year or two ago, after much discussion. It was indeed rejected by the Legislative Council, but it is bound to reappear in the near future. In New Zealand the dissatisfaction with the general property tax finally reached such a point that it was replaced in 1891 by a land tax, together with a tax on all incomes other than those from land. The income tax was collected for the first time in 1893, and was somewhat amended in the same year. But the interesting results of the measure cannot be discussed here.

Finally, it must be noted that the nature of the income tax in England has undergone a change. It has come more and more to be looked on as a means of abolishing or preventing vexatious taxes, and of introducing a symmetry into the whole revenue system. It is cherished not so much for its own sake as for its influence in equalizing the national burdens.

It is clear from the above review that, whereas in former years the income tax was adopted chiefly from considerations of revenue, there is of late a growing tendency, especially in the more democratic communities, to utilize the income tax as an engine of reparation — a means of attaining greater justice, as over against the inequality of the existing indirect taxes on the one hand, and the defects of the existing direct taxes on the other.

Although a universal income tax was at one time the ideal of certain writers and statesmen, it went the way of all other schemes for a single tax, whether on expenditure, on opportunity, on houses, on land, on property or on product. The modern ideal is taxation according to ability or faculty. Taxes on expenditure may form a part of this system in so far, but only in so far, as expenditures may be deemed an index of ability. Taxes on natural opportunities are recognized, but again only in so far as the existence of these opportunities increases the individual faculty. Property is an indispensable part of the system, in so far as it becomes advisable to distinguish between possessions and personal exertions, and in so far as the exemption of unproductive property may create a stimulus to misuse of wealth. Product is a legitimate part

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of the system in so far as the ability of the individual is unaffected by his personal conditions in respect to the product. And, finally, income is for obvious reasons a necessary consideration in ascertaining the real faculty.

Most of the tax systems that have come down to us from bygone centuries have considerably exaggerated the other tests, to the neglect of income; and, as a consequence, there has been during the past few decades a steady movement to improve and supplement existing methods by a mode of taxation which shall reach income either directly or indirectly. The new federal tax is a tentative step in this general direction.

II.

It will be well, now, to recall the origin of this new tax and the reason that it has assumed its present form.

At the very outset it must be borne in mind that the income tax ought not to be considered simply by itself, but rather as a part of a larger system of taxation, federal, state and local. The condition of American taxation is far from satisfactory, even though the situation is in some respects less discouraging than that which exists in Europe. While the European systems of taxation vary in degree of badness, it may nevertheless be said that, on the continent especially, the chief burden is borne by the poor. Almost everywhere indirect taxes in some shape or other give a large proportion of the public revenues. And the indirect taxes themselves are so calculated as to fall with crushing severity on the poorer classes of the community. Even where direct taxes exist, the poor are often compelled to bear more than their share. England is no exception; even there, where so many reforms have been made in the national revenue, the whole system of local taxation, with its absence of special assessments, its exemption of non-productive realty or land held for speculative purposes, and its imposition in the first instance on the occupier, means the relative overburdening of the poorer classes.

In the United States the rich man probably does not pay

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more than he would abroad. But the main burden here rests not so much on the poorest classes as on the lower middle classes. Our chief source of state and local revenue is the general property tax. This manifestly exempts those who have no property and who live only on their income. But it also puts a relatively slight burden on the very small proprietor; for a certain amount of property is almost everywhere exempted. On the other hand the general property tax has become almost exclusively a real property tax, except in the rural districts, where the tangible, visible personalty is to be found. The rich urban investor in securities, the wealthy business man and the well-to-do professional classes almost entirely escape taxation. The weight of the tax falls primarily on the small farmer, who, under existing conditions of international competition, is unable to shift his burdens to the community.

Again, while it might be contended that the burden of the national indirect taxes rests on the poor, in reality it is the lower middle classes that suffer. As to the artisan, this is not the place to enter upon the question whether any possible increase in expenses of living that may be due to the tariff, may not in his case be compensated by increased wages or by greater prosperity in the community at large. But there is no doubt that the farmer is becoming restless under a system which does not seem to afford him any protection on the articles he produces and exports, but whose burden he feels in the increased prices of his tools and his articles of consumption. The farmers, and more especially the farmers of the West and South, who constitute the great bulk of the middle classes, as well as the preponderant factor in the voting population, feel that they have been bearing most of the burden. Especially in recent years, with the fall in the price of silver and with the fall in the price of wheat, have the complaints of the agricultural class become loud and deep. For some years a progressive income tax has been one of the chief planks in the platforms not only of the Populists and the anti-monopolists, but of the farmers' conventions throughout the length and breadth of the land.

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When, therefore, the opportunity presented itself, the Western and Southern representatives in Congress were not slow to seize it. The self-imposed mission of the Democratic Party was to reduce and equalize taxation. Although the Democrats at first proposed simply to lower the tariff to a revenue basis, it was soon recognized that the reductions would be more radical. Looked at merely from the standpoint of convenience and ease of collection, the simple method of making good a deficit in the tariff revenue would have been to modify the system of internal revenue. This plan, indeed, was advanced by Mr. David A. Wells, and at one time it seemed to enjoy a reasonable prospect of meeting with legislative approval. Mr. Wells showed that by leaving the whiskey tax at the original figure, and by slightly raising the tobacco tax and modifying the beer tax, a very considerable increase of revenue might be secured. But the project soon raised a storm of opposition. On the one hand were the immense brewery interests, which objected strenuously to the imposition of any additional burdens on them. On the other hand were the whiskey interests, which desired a nominal increase of the whiskey tax, in order to realize temporary profits, and perhaps also to take advantage of the rate in other ways. And finally there was the temperance party, which demanded so high a tax on whiskey that in all probability it would have reduced the revenue. As a matter of fact the present law has increased the whiskey tax, raising it from ninety cents to $1.10 a gallon, and has furthermore imposed a duty of two cents a pack on playing cards. But neither of these changes will materially affect the revenue.

Since, therefore, the proposed tariff schedules would have meant a considerable deficit, and since no relief was to be expected from the internal revenue system, the proposition to make good the difference by introducing the income tax received a hearty welcome. But while the anticipated deficit gave the Western and Southern representatives their opportunity, it was not so much the idea of increasing the revenue as that of correcting inequalities in the tax system that was really in their mind. The truth of this assertion is evident when we

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reflect on the fortunes of the Wilson Bill in the Senate. The Gorman Bill put sugar back on the dutiable list and made many other changes which so weakened the radical nature of the House bill that all danger of a deficit seemed to be at an end. The income tax was no longer a fiscal necessity. Yet all attempts to expunge it from the bill were utterly unavailing. The farmers' influence was too strong.

Opposition to the tax came, as was natural, from the great cities of the East. The commercial and financial centers professed to fear that their prosperity might be jeopardized. The large dailies were filled with indignant protests and the chambers of commerce in New York and other cities voiced their anger in long and vehement resolutions. Even the leading Democratic journals in the North and East did everything in their power to have the income-tax sections struck out of the tariff bill.

The contest was very analogous to that over the income tax in England. For in England also the opposition was from the very beginning sectional rather than political. In reading the protests of the American chambers of commerce we seem to be reading the manifestoes issued in the first years of this century by the corporation of the City of London, and the resolutions adopted by the Anti-Income-Tax League many decades later in London, Manchester and Birmingham. For there also the line was drawn not by party affiliation, but by class interests which had not yet found expression in party dogmas.

So it was that here, while the Republican journals in the East opposed the tax, the opposition was due not to the fact that they were Republican, but to the fact that they represented the great industrial centers. In the West there was by no means the same opposition even among Republicans. The sentiment in favor of some form of income taxation was so overwhelming among the mass of the voters that the Republican leaders preferred to preserve silence and not run the risk of opposing a popular measure.[1] Thus the vehement Eastern

[1] And even in the East the recent Republican platforms treat the tax very tenderly and say nothing about its speedy abolition.

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opposition, instituted by the Republicans and more or less openly sympathized with by the Democrats, was wholly ineffectual. No feature of the tariff bill was ever in smaller danger of being successfully opposed than were the income-tax sections; for revenue considerations were the pretext for their introduction, not the cause.

III.

Let us take up next the chief provisions of the new law.

The tax is to begin on January 1, 1895, and is to continue for five years. The rate is two per cent on the excess over $4000. It is levied upon all "gains, profits or incomes derived from any kind of property, rents, interests, dividends or salaries, and from any profession, trade, employment or vocation." The period on which the tax is computed is the preceding calendar year. The tax applies to the entire income of all citizens of the United States, whether resident or non-resident, and to all persons residing within the United States; and it also applies to so much of the income of persons residing abroad as is earned from property or business within the United States.[1]

A long section is devoted to explaining what is to be considered income. The only points that need mention here are the following: Income is deemed to include interest on all securities except the federal bonds which were expressly exempted from taxation by the law of their issue. Profits realized from the sale of real estate are defined to be income only when the real estate has been purchased within two years previous. The amount of sales of all vegetable and animal produce grown or produced by the taxpayer himself is considered income, but the expenses of production are deducted and the amount consumed directly by the family is not included. All personal property acquired by gift or inheritance is declared to be income. In computing income the necessary expenses actually incurred in carrying on the occupation are deducted. A similar deduction is made for interest on indebtedness, for losses actually sustained, and

[1] Section 27.

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for worthless debts. But no deduction is permitted for permanent improvements or betterments to real estate. Although taxes may be deducted, the term is held not to include the amount paid for special assessments. In cases where the tax has already been paid by other parties, the individual is not compelled to include that income in his return. This would apply to the salaries of all officials of the United States government, where the government itself is directed to withhold the tax; to the income received in the shape of dividends on corporate stock, where the stock company or association is required to pay the tax in the first instance; and to "any salary upon which the employer is required by law to withhold or pay the tax."[1] It is also provided that salaries due to state, county or municipal officers shall be exempt.[2]

In addition to this tax on individuals we find a tax on corporations, companies or associations doing business for profit in the United States, but not including partnerships. This tax is assessed at the same rate, but without any abatements. It is levied on the net profits or income above operating and business expenses, which latter are so defined as to comprise not only ordinary expenses and losses but also interest on bonded or other indebtedness. The income is deemed to include all amounts carried to the account of any fund, or used for construction, enlargement of plant or any other expenditure or investment paid from the net annual profits.[3] The corporate-income tax does not apply to states, counties or municipalities; nor to charitable, religious or educational associations; nor to fraternal beneficiary orders; nor to building or loan associations; nor to mutual insurance companies; nor to savings banks or societies under certain conditions.

We come now to the administrative features. All persons of lawful age with an income over $3500 are required to make to the collector or deputy collector a return in such form and manner as may be directed by the commissioner of internal revenue, with the approval of the secretary of the treasury. The collector or deputy collector shall require the return to be

[1] Section 28. But see below, p. 645. [2] Section 33. [3] Section 32.

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verified by oath or affirmation. If he has reason to believe that the return has been understated, he may increase the amount. In case no return or a wilfully fraudulent return is made, he shall make the list to the best of his information, adding fifty per cent in the one case and one hundred per cent in the other.[1] Appeal may be taken from the deputy collector to the collector of the district. If still dissatisfied, a taxpayer may, after due notice, submit the case with all the papers to the commissioner of internal revenue, whose decision is final. No penalty is to be inflicted upon any one for making a false return or refusing to make a return, except after reasonable notice of the time and place where the charge may be heard. A further section provides that in case a person refuses to return his list or makes a fraudulent return, the collector may inspect his books and compel the individual, or any one else in charge of the books, to give testimony or answer interrogatories.[2]

Every corporation or business association must make a full return of its gross profits, expenses, net profits, amounts paid for interest, annuities and dividends, amounts paid in salaries of less than $4000, and amounts, with name and address of each official, paid in salaries of more than $4000.[3] Whenever the collector or deputy collector thinks that a correct return has not been made, he may file an affidavit of such belief with the commissioner of internal revenue, who may then, after notice and hearing, issue a request to have the books inspected. If the corporation refuse such request, the collector is to make his own estimate of income and add fifty per cent thereto.[4] The government is required to withhold the tax from the amount of all salaries over $4000.[5]

The tax is due on July 1 of each year, and is levied on the income for the year that ended on the preceding December 31. The penalty for delay in payment is five per cent on the amount unpaid, together with interest at the rate of twelve per cent. This does not apply to the estates of deceased, deranged or insolvent persons.[6]

[1] Section 29. [2] Section 34, amending section 3173 of the Revised Statutes.
[3] Section 35. [4] Section 36. [5] Section 33. [6] Section 30.

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In order to insure the greatest possible secrecy it is provided that no official of the government is to divulge any fact contained in the income return or to allow any detail to be seen or examined by any person not authorized by law. It is further declared to be unlawful for any one to print or publish in any manner not provided by law any income return or part thereof. The penalty is a fine not exceeding $1000 or imprisonment not exceeding one year. But in the case of any public official, the offense entails dismissal from office, with the incapacity thereafter to occupy any position under the government.[1]

IV.

Let us now proceed to analyze the provisions which have been recounted in all their baldness.

The first point that arrests our attention is that the tax is really an income tax — *i.e.*, a tax on net gains or profits, and not, as in some other countries, on gross income with or without certain deductions. For instance, all necessary expenses are to be deducted from the gross returns. In England, in the case of real estate under Schedule A, it was not until the amendments adopted only a few months ago that allowance was permitted for repairs. Our new law, indeed, does not attempt to go into all the perplexing details of what may or may not be considered income, in the purely scientific sense; yet a few questions arise.

The law differs from those of the Civil War period in that it does not expressly exclude from income the rental value of the residence occupied by the owner. From the strictly economic standpoint, income would comprise more than purely money income. The legislator of the Civil War period assumed that income would include the rental value of the homestead occupied. A special provision was therefore inserted in the law, excluding this in terms. This was done for the reason that, since a deduction was permitted from income for the amount of rent paid for a dwelling by a tenant, there would otherwise

[1] Section 34, amending section 3167 of the Revised Statutes.

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be a gross injustice.[1] But, as was pointed out repeatedly at the time, the deduction of rent paid was unnecessary. The same equality might have been preserved by including in income the rental value of the property occupied by the owner, and in other cases allowing no deduction for rent paid. In the present law no one is permitted to deduct from income the amount of rent actually paid — which in itself is correct enough. But as nothing is said about including in income the rental value of the dwelling occupied, it is very doubtful whether it will be so included. This is manifestly an injustice, the gravity of which is not lessened by the fact that it is found in the income-tax laws of almost all countries. The matter is left to the decision of the administrative authorities.

On other points the explanation of what is to be considered income is simply copied from the earlier laws. Some of the provisions are quite arbitrary. Such is the requirement that the profits from the sale of real estate shall be considered income only when the real estate has been purchased within two years before. Under the law of 1862, which contained no reference to this point, it was held that profits from the sale of real estate were to be considered income, irrespective of the time when the property had been purchased. The law of 1864 specifically provided that they were to be considered income only if the property had been bought in the same year. Later on, in 1867, the limit was fixed at two years. And it is this clause which has been followed in the present law. Why the precise period of two years should have been chosen, is not clear.

A similar criticism may be urged against the provision that income includes the sale of all vegetable and animal products, excluding any part consumed by the family. It was frequently pointed out during the earlier period that this deduction was illogical, since an artisan who had to spend his money for pro-

[1] The deduction for amount of rent paid is not found in the law of 1862, but in an amendment of 1863. The exclusion of the rental value from income is first found in the law of 1864. Both these provisions lasted until the expiration of the tax.

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visions was allowed no deduction. If the farmer sold all his produce, and then bought food, he could deduct nothing; but if he reserved from his sales an equivalent amount of food, the deduction was permitted. However, since very few farmers will be taxed by the law at all, this provision makes very little difference.

A far more important point is the definition of corporate income. From the economic point of view there is an important distinction between individual income and corporate income. In the case of individuals, true taxable property consists in the surplus above indebtedness. Net income could therefore be arrived at only by deducting interest on debts. But in the case of corporations the matter is somewhat different. Capital stock represents in many cases only a portion of the property. The remainder is represented by the bonded indebtedness. In the United States, where railroads are built mainly on the proceeds of the mortgage bonds, the bonded indebtedness to-day exceeds the nominal capital stock, swollen as the latter is by the process of "watering." It is the stock and bonds together that represent the property and the earning capacity of the corporations; and for this reason the most advanced tax laws in America, as well as in Europe, permit an individual to deduct his indebtedness or the interest on his debts, while the corporation is assessed on both bonds and stock, or on both interest and dividends. The bill as it came from the House contained a similar provision; but in the Senate the section was so amended as to permit corporations to include interest on debt among their expenses. It is evident, then, that the income tax on corporations is really not a corporate-income tax, but only a tax on corporate profits over and above fixed charges. Thus at one stroke the proceeds from this source are cut down over one-half.

It may indeed be alleged in extenuation that the corporations, especially the railways, are already taxed so heavily in some states, and that their financial position is in the main so precarious, that the imposition of a tax on both stock and bonds would have involved a great many companies in ruin. It may

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be said further that the provision is not so serious as it seems, because the individual recipients of the income from bonded interest are supposed to include those sums in their own returns. But on the other hand it must be remembered that the definition of income is certainly an uneconomic one; and that whatever arguments apply to the advisability of having corporations pay directly on their dividends, apply with equal force to the interest on indebtedness.

The third point of importance is that the law provides not only for an income tax, but for something over and above an income tax, namely, a tax on successions. If there is any meaning at all to the word income that has been well settled by economic science, it is that income denotes a regular and periodic return. It is for this reason that almost all income-tax laws estimate income at an average of a certain number of years, as the last three or five or seven years. In that way the fat years are balanced by the lean and a far greater degree of justice is attained. It is to be regretted that the new law takes the profits of the last year only. But still even there we find the idea of annual recurring profits. It is very surprising, then, to find a provision which imposes a tax upon the value of all "personal property acquired by gift or inheritance" during the year. If anything is irregular and unperiodic, it is an inheritance. The income from the inheritance is indeed regular; but the law taxes not only the income from the inheritance, but the inheritance itself. From the standpoint of an income-tax, this is not only illogical, but it constitutes double taxation. In all the other income-taxes of the world inheritances are either expressly or impliedly excluded. It may indeed have been desirable to impose an inheritance tax in addition to the income-tax. But in that case it should have been discussed on its own merits and not smuggled into an odd corner of the bill.

It may be noticed in passing that "inheritance," strictly construed, applies only to real estate passing by descent. The term inheritance tax is popularly applied in America to a tax on the devolution of realty, whether by will or by intestacy,

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and is sometimes applied also to a tax on the devolution of personalty.[1] But the new law uses the term in a very restricted sense. The provision does not apply to real estate at all, and it speaks of "personal property acquired by inheritance." This is very confusing. But passing over this misnomer, the exemption of real estate is due to the feeling, already alluded to, on the part of the mass of the small real-estate owners that they already bear more than their share of taxation. Whether or not the passage of this succession-tax law is wise, I shall consider later. The point which I desire to emphasize here is that the new law provides not only for an income tax, but also for a succession tax, and that the inclusion of "gifts and inheritances" in income is utterly unscientific.

The fourth consideration which arrests our attention is that, from the American point of view, the law provides for a corporation tax as well as an income tax. I say from the American point of view, because we are accustomed to make a distinction between a corporation tax and other taxes. Strictly speaking, the antithesis is not between a corporation tax and an income tax or a property tax, but between a tax on corporations and a tax on individuals, or, as it is sometimes called, a personal income tax.[2] In England it would make no difference whether the income were assessed to the individual security holder or to the corporation. But in the United States the new law combines what during the early years of the Civil War period was contained in two separate measures. There existed at that time not only a tax on all corporate dividends and interests, but also a tax on certain corporate gross receipts, in addition to the tax on individual incomes. The corporations were permitted to add the gross-receipts tax to the charges made, so that the tax was virtually shifted to the public. In the case of the corporate-income tax, however, the corporations were not compelled to deduct the tax from the dividend or interest of

[1] *Cf.* West, The Inheritance Tax, introduction. Columbia College Studies in History, Economics and Public Law, vol. iv, no. 2, 1893.

[2] The latter term does not represent the distinction with perfect accuracy, because under the American law corporations are also considered persons.

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each security holder, and as a matter of fact they generally assumed the tax themselves without withholding it from the bondholder. It became to that extent a tax on the corporation, not on the bondholder. Under the present law the tax is also assessed directly on the corporation. But, as we have seen above, it is not assessed on corporate bonds. So that the question of withholding the tax from the interest due will not arise. Yet so far as it goes, it is a corporation tax in addition to the individual-income tax.

The fifth point of importance is the $4000 exemption. The merit or demerit of this provision will be discussed below. But there are several considerations to which attention must be called here. In one respect the system is more logical than the English system of exemptions. In England, even since the recent changes, a certain amount (£160) is absolutely exempted, while incomes up to £500 are permitted certain abatements; but on all incomes above the latter figure the full amount is assessed. In the American income tax there is only a single exemption; but the abatement applies to all incomes of whatever amount. The tax is levied only on the excess of incomes over $4000. This is a provision the principle of which was already found in the income-tax acts of the Civil War, and which has recently been adopted in the New Zealand income tax, where a deduction of £300 is permitted for all incomes. It is manifestly unjust to permit the man with $4000 income to go entirely free and to impose on his neighbor who has perhaps $4010 income a tax of over $80. The jump is too sudden. It will be perceived, however, that the American system virtually provides for a slightly graduated tax running up from zero to almost two per cent on the entire income. For a proportional tax on the excess over a certain sum necessarily means a graduated tax on the entire sum.

Again, while the exemption is nominally accorded to all incomes, the introduction of the corporate-income tax practically nullifies the provision in one respect. Since corporations are to pay upon their entire net profits as defined by the law, it is manifest that persons who have invested their whole

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property in corporate stock from which they receive less than $4000 income, will nevertheless have the tax withheld from their dividends by the corporation. To the class of small investors the exemption accorded by the law is therefore of no use; for no machinery is provided for granting rebates to such taxpayers, as is the case in some other countries. The same inconsistency occurred in the acts during the Civil War and was noted at various times. But it was deemed impracticable to remedy the injustice. In the case of official salaries, however, where the tax is advanced by the government, provision is made for the exemption. The government withholds the tax only in case the salary exceeds $4000.

It must be noticed also that only one deduction of $4000 is permitted from the aggregate income of all members of any family. This may in some cases render the exemption nugatory. Under the recent development of American law the property interests of a married woman are often entirely independent of those of the husband. Where her income is less than $4000, she will nevertheless still be taxable if her husband's income exceeds that figure. The force of the objection is somewhat weakened, first by the fact that, after all, it is the family income as a whole which serves as the best test of ability to pay, and secondly by the fact that it is very unlikely that married women will be assessed at all, even though the letter of the law calls for the taxation of "all persons of lawful age."

The sixth and final point to which it is well to call attention is what is commonly called double taxation. The law, it will be remembered, applies not only to all citizens resident, but to the entire income, no matter where received, of citizens residing abroad and of aliens residing in the United States; and it also applies to so much of the income of non-resident aliens as is derived from property or business within the United States. Here some interesting questions arise. Even assuming that the first and fourth classes will be reached, it is difficult to believe that the second and third classes can be touched. It may indeed be possible to assess the income of a non-resident

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in so far as it is derived from tangible property situate in this country. But in most cases it will be virtually impossible to reach the non-resident. Still more difficult will be the task of hitting the entire income of foreigners resident in this country in so far as their income is derived from foreign sources; for the usual means of control will naturally be lacking.

Even assuming, however, that the practical difficulties were not insuperable, there would be grave objections in principle. If a resident foreigner is taxed on his entire income here, and is again taxed on his income at home, we have manifestly double taxation. Or if a non-resident citizen is taxed by us on his entire income, and is then again taxed abroad in the country in which he happens to reside, we have a not less glaring case of double taxation. Some states, like Prussia, tax foreigners only after they have lived more than a year in the country, except when their income is derived from Prussian property or business. The American law contains no such provision. Again, while England does indeed assess resident aliens, it does not attempt to reach the entire income of non-resident citizens. Our Civil War taxes did not at first even tax the income of aliens; but later they did try to reach the entire income of non-resident citizens. The new tax follows the mistaken policy of the later laws. But the practical effect of the provision will be slight. For this part of the law, it may be conjectured, will almost inevitably remain a dead letter.

V.

What, then, are we to think of this measure? Is it a wise innovation, or is it essentially vicious in principle and ineffective in practice? Will it be a permanent feature of the revenue system, or is it a mere temporary phase? We can, perhaps, best approach the problem by discussing some of the objections that have been raised against the law.

One of the arguments most commonly advanced by the opponents of the measure is the alleged socialistic character of the tax. To assess people upon their income is said to

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savor of socialism. The more violent enemies of the measure go so far as to maintain that the state has no right to confiscate any part whatever of a man's earnings. This objection, indeed, scarcely deserves a refutation. It entirely misconceives the relation of the individual to the state. The cry of "socialism" has always been the last refuge of those who wish to clog the wheel of social progress or to prevent the abolition of long-continued abuses. The Factory Laws were in their time dubbed socialistic. Compulsory education and the public post-office system were called socialistic. And there is scarcely a single direct tax which has ever been introduced which has not somewhere or other met with the same objection. Only a short time ago the new inheritance tax was vehemently opposed in some of the American commonwealths, as was the new estate duty in England, on the ground of socialism. The same fate befell the property tax before its recent introduction in Holland and Germany. As a matter of fact, if there is any socialism at all to be discovered in these measures, it would be far more obvious in the property tax, which entirely exempts all earnings of the lower classes in so far as they are again expended, than in the income tax, which reaches earnings from other sources than mere property. The property tax hits only the property owner; the income tax, as such, hits the income receiver, whether the income be derived from property or not. Yet we have become so accustomed to the property tax that the idea of its being socialistic seems ridiculous. Nor am I speaking here of the exemption feature of the income-tax law, which will be discussed below. The cry of socialism was raised against the income tax *per se*, while the high exemption only served as an additional count against it.

Had the principle of progressive taxation been introduced, some color might have been lent to the charge of socialism. The Populists, indeed, introduced several amendments looking to progression, but they were all defeated. As a matter of fact, however, recent investigations have shown that progressive taxation, which to some seems the very quintessence of socialism, and which has undoubtedly often been urged for

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socialistic reasons, is perfectly defensible in theory on purely economic and fiscal grounds, although, for other reasons, its application to the income tax in its present form is practically inexpedient.[1] It must be remembered that the income taxes of the Civil War period were levied on the progressive principle, and were defended on purely economic grounds both by the administration and by the legislators. England has not hesitated to introduce, within the last few months, a progressive inheritance tax, ranging from one to eight per cent. And the great extension recently given to the progressive principle in countries like Holland, Switzerland, Germany and Australia, shows that the legislators are not blinded by mere words. As it was, Congress did not attempt any graduation of the income tax, except in so far as the $4000 exemption provides for a sort of restricted progression. The cry of socialism had no effect.

A still weaker objection was the alleged un-American and undemocratic nature of the tax. The tax was represented as peculiar to monarchic governments and the effete civilization of the Old World. Senator Hill roundly asserted that the income tax was unknown in democratic communities. But even if it be conceded that England is the home of hide-bound mediævalism, it is hard to include the cantons of Switzerland or the colonies of Australasia in any such category. No one acquainted with the facts need be told that the income tax has been most fully developed precisely in the most democratic communities, and that the whole tendency toward democracy, even in non-republican states, has gone hand in hand with the extension of direct taxation, and more especially of the income tax. Had this absurd objection not been so widely quoted and copied, it would not deserve mention here.

The third objection was that of unconstitutionality. The national constitution provides that direct taxes must be laid in proportion to the representative population in each state. Such a principle of apportionment would manifestly render a tax on incomes impossible ; for the number of people in the state do not bear any necessary relation to its wealth. An income tax

[1] Compare my recent book on Progressive Taxation.

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assessed according to the principle of the constitution would give a decided relief to the industrial states at the expense of the agricultural states. It would have to be levied in a lump sum upon each state according to population, and then be ratably distributed among the taxpayers. The rate in one state would thus greatly vary from that in other states. If the income tax is a direct tax, the objection seems to be a formidable one.

As a matter of fact, however, it is not quite so serious. Even among economists there is no absolute agreement as to the exact distinction between direct and indirect taxes. And there is no doubt that in discussing the constitutionality of such a measure we must consider what the framers of the constitution meant when they used the term. Now, at the time the constitution was discussed there were no direct income taxes in existence, if we except the Massachusetts tax referred to above and the disastrous French experiment of the *Vingtième*, both of which were regarded rather as adjuncts of the property tax than as distinct forms of taxation. The Supreme Court of the United States is thus undoubtedly correct in assuming that the only direct taxes contemplated by the constitution were the poll tax and the general property tax, chiefly the land tax.[1] The question arose soon after the formation of the government. In a leading case the federal tax on carriages was upheld as not being a direct tax within the purview of the constitution.[2] Later on, during the Civil War, the

[1] Veazie Bank *vs.* Fenno, 8 Wall. 546. Dictum by Chief Justice Chase.

[2] Hylton *vs.* United States, 3 Dallas, 171. The case was argued under the act of June 5, 1794, imposing specific duties on carriages. Hamilton, who, as secretary of the treasury, had been responsible for the law, argued the case for the government. His brief is very important. In Hamilton's own draft of a constitution the words used were: "Taxes on lands, houses and other real estate, and capitation taxes shall be proportioned in each state by the population." This would have left no possible room for dispute. But there is no doubt that the convention believed that their own wording was virtually equivalent. In his brief, Hamilton makes, among other points, the following: "3. That to apply the rule of apportionment to any but capitation taxes, taxes on lands and buildings, and general assessments on the whole real or personal estate, would produce preposterous consequences, and would greatly embarrass the operations of the government" (Hamilton's Works, Lodge's ed., VII, 328). The court accepted

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same question arose in regard to the income tax. And here again the supreme court held in a number of cases that the income tax was not a direct tax within the meaning of the constitution.[1] There is no reason to suppose that this decision will be reversed.

While the above objections to the income tax law are not of a very serious character, there is perhaps a deeper foundation for the charge that the measure is an expression of sectional animosity. The exemption of $4000 incomes practically means that the Western and Southern states gain at the expense of the industrial centers in the East and North. In many of those states individual incomes above the exemption point are comparatively few. And it is undoubtedly a fact that the enthusiasm for the tax came chiefly from those who are thus assured freedom from its burdens. But it must not be forgotten that there was much provocation. The Southern states have for years been compelled to bear the burdens of the tariff, the proceeds of which went in great part to the pensioners of the North. It is but natural that when an opportunity came, the tables would be turned. Again, as we have already seen, the Western states have felt that they were unjustly treated by a national revenue system, of which they felt the incubus, but whose advantages were not so plain. To them also the income tax seemed a piece of retributive justice. So that the sectional animus, which was no doubt present to some degree, may be explained and even partly excused. The

Hamilton's arguments, and declared the law constitutional. And the decision was universally acquiesced in. As Professor Burdick points out, even Madison, who had written to Jefferson, on the day the case was argued, that there never was a matter on which his mind was better satisfied than that of the unconstitutionality of the law, did not hesitate, when president, to sign acts of Congress laying duties on carriages and harness as indirect taxes. For an account of the origin of the clause, the debates in the convention and the later history of the provision, see Burdick, "Direct Taxes," *Columbia Law Times*, vol. ii, 255 (1889).

[1] In Pacific Insurance Company *vs.* Soule, 7 Wall. 433, it was held that a tax on the profits of insurance companies was not a direct tax. In Springer *vs.* United States, 102 U. S. 586, the income tax was held not to be a direct tax. Similar decisions were made in the case of a tax on bank circulation and a tax on successions. See Veazie Bank *vs.* Fenno, 8 Wall. 533, and Scholey *vs.* Rew, 23 Wall. 331.

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sectional feeling itself, however, has been considerably exaggerated. For the chief explanation of the income tax is not so much geographical as economic in its character. It was not so much a movement of the South and West against the North and East as of the agricultural class against the industrial and moneyed class. It is simply an accident that the East is the home of the moneyed interest, while the West and South are the home of the landed interest. If any class antagonisms are discernible, they are primarily economic and only incidentally sectional.

The fifth and final objection that has been used is the old but ever new contention that the income tax, however wise in theory, works badly in practice. That there is considerable truth in this is not to be denied. But it is usually forgotten that in dealing with problems of this character the real inquiry is not what is absolutely good, but what is relatively best. So far as the objection is true, it will be found to be due in great part to certain provisions of the law which, as we shall see, might have been avoided. But the objection itself has been made too much of. It is undoubtedly true that the income taxes in the commonwealths are almost entirely farcical. But that is owing solely to the fact that no earnest effort is made to execute the law. Where, however, there is a serious administration, as was the case with the federal income taxes during the Civil War, the result is very different. It is commonly assumed that the Civil War income tax was in many respects a failure and was provocative of great frauds. But after some comparison of the federal income tax with the local property taxes, I venture to say that the federal income tax, notwithstanding all its imperfections, crudities and ensuing frauds, was nevertheless more successful than the general property tax. Let us test this by taking its fortunes in a typical state, utilizing the returns of the state comptroller and the federal officials.

The special income tax of 1865 was levied at the rate of five per cent on all incomes. Its yield in New York State was $8,765,914, which corresponds to an income of $175,318,280.

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The state assessment for the general property tax in that year disclosed property to the amount of $1,550,879,685. That is, the self-assessed incomes in New York amounted to over eleven per cent of the property—a preposterously high figure. If we assume that the average rate of profit at that time was seven per cent, the income on New York property should have been $108,561,578. Yet this was not two-thirds of the income actually assessed. The income tax yielded one-third as much again as a corresponding property tax. Of course some allowance should be made for incomes from other sources than property. But the exemption of $600 included almost all the working classes; and the profits from business are practically the income from property invested in the business. So that the only class for which an allowance must be made is that of receivers of professional incomes. The total income of this class is not large enough to make any material difference in the figures given. The great success of the income tax as compared with the local property tax was due in part to the fact of the low valuation of real estate. But its main cause was the failure of the state tax to reach personal property. In other words, the federal income tax was able to reach many of those who contrived to escape the personal property tax.

The other years disclose a similar state of affairs. In 1866–67 the income tax in New York yielded $18,448,664. It was levied at the rate of five per cent and ten per cent. Taking this as approximately equivalent to a uniform tax of seven and one-half per cent, the result would be a real income of $245,982,187. But let us grant, in order to weaken the contention still further, that it was tantamount to a uniform tax of as much as nine per cent on all incomes. That would mean an income of only 205 millions. The property assessed in New York by the state officials is returned at $1,531,229,636. Even assuming that the rate of income on capital was as high as seven per cent, we would have an income of $107,186,074. Yet the income actually returned exceeded this by nearly 100 millions. Even under the least favorable showing incomes appeared as more than thirteen per cent of property—a figure

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manifestly extravagant. The income tax, therefore, produced almost twice as much as the general property tax. And even if we make the same allowance as before for incomes derived from other sources than property, the disproportion would still be very considerable. Even in 1870, when the limit of exemption had been increased so much as materially to reduce the returns, New York paid $10,420,035 as a five per cent income tax. This corresponds to a taxable income of $208,400,700. The assessment of property for the state tax was $1,967,001,185. This would mean that incomes were eleven per cent of property, which for that period is palpably far too high.

In short, the history of the income tax clearly shows that it was more lucrative than a corresponding property tax, and that it succeeded in many cases where the personal property tax failed. The income tax was indeed productive of great frauds, but the personal property tax created far more. It was precisely because the income tax reached so many of the mercantile and capitalistic classes who have both previously and since escaped taxation, that it became unpopular and was abolished.

In other parts of the country, indeed, the results may not be quite so favorable, because of the more primitive economic conditions. Where the value of tangible realty exceeds that of personalty, as in some of the more purely agricultural states, the weakness of the general property tax is less noticeable. And it is possible that in such cases an income tax would yield less than a property tax. But wherever the economic conditions to-day begin to approach those of New York a quarter of a century ago — and there are many such states at the present time — it is probable that the results worked out above will find their counterpart under the present law.

It appears from the above review that most of the objections usually urged against the income tax either entirely lack foundation or are the results of considerable exaggeration. To those acquainted with the history of the English income tax, the objections will seem quite familiar. Very much the same points were made year after year, and often

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in almost the same language; but the tax, nevertheless, commended itself to the people as a whole, and it has persisted and developed. So also it is possible that our new tax, especially in the great industrial centers, may succeed far better than the present tax on intangible personalty. Imperfect as it undoubtedly is, the income tax may prove to be a relative good, and to constitute a considerable improvement over the existing system.

VI.

After all has been said, however, it remains true that too much must not be hoped from the practical working of the income tax. A system which rests on a method of self-assessment manifestly opens wide the door to fraud and evasion. The provisions for supplementary revision of the returns in certain cases by official assessments are far from adequate. The methods of checking the returns by utilizing the probate courts and the inventories of property after death, which are customary in Germany and even in democratic Switzerland, would not be possible as yet in America. And although much of the inquisitorial character of the former income tax has been removed by the stringent provisions in the new law calculated to insure the utmost secrecy, there can be very little doubt that the effort to secure correct returns of individual incomes will be far from successful. Above all, there are certain grave defects in the new law, which, in contrast to the more or less imaginary or highly exaggerated objections adverted to above, are deserving of serious consideration.

In the first place, all incomes are treated alike. There is, technically speaking, no differentiation. It has been generally conceded by economists that a distinction must be made between what are variously known as funded and unfunded incomes, or permanent and precarious incomes, or property and industrial incomes. The income derived from personal exertions is usually attained with a far greater degree of effort than the income derived from property. The property

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is indeed the result of labor, but it is the result of past labor, and frequently of some one else's labor. The individual who enjoys the present income of the property is clearly in a different position from the taxpayer who is dependent solely on the temporary result of his own personal labor. His faculty, or ability to pay, is smaller. The tendency of modern income taxation is to charge these precarious or industrial incomes at a lower rate than the permanent incomes from property. Italy, some of the Swiss cantons, New Zealand, and still more recently North Carolina, now pursue this policy, and the movement is spreading in other countries. Our new national tax makes no such distinction.

It may be said in reply that the distinction, although not in express terms, is nevertheless virtually provided for. In the first place, the very existence of the property tax in the United States implies the non-taxation of labor. If all men are taxed alike on their income, and if an additional tax is imposed on property, then the income from property is naturally taxed more severely than income from labor. This was indeed one of the arguments for the recent introduction of the property tax in Prussia and Holland. But the force of the argument is weakened in America by the fact that under existing conditions the greater the property, or at all events the personal property, the less does it pay.

It might furthermore be contended that the $4000 exemption frees labor incomes from taxation. This argument is good as far as it goes. But under modern conditions there are many labor incomes which exceed that figure, such as the incomes of numerous members of the professional classes and of officials of large corporations. The injustice of assessing them at the same rate as the recipients of permanent incomes is not removed by making the $4000 exemption applicable to both. The modern theory as well as the modern practice is to pay attention not only to the income itself but to the source from which the income is derived. The failure of the new law to observe this distinction constitutes an undeniable defect.

The second objection is one to which attention has already

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been called in another connection, *viz.*, the $4000 exemption. It is true that what is known as the exemption of the minimum of subsistence has become a cardinal demand in the theory of taxation. Some writers have indeed attempted to prove that this is dangerous in a democracy. It is wrong, so it is said, in a country of universal suffrage to have the burdens imposed on one class and the expenditures voted by another class, thus virtually putting the control of the public moneys in the hands of those, the majority of whom have nothing at stake. Without entering into the general argument in this place, it may be said that, as a matter of fact, our property tax necessarily includes this exemption of the minimum of subsistence, yet the particular evil spoken of has never made itself apparent. But even were this not so, the obvious answer is that unless the state exempts this minimum of subsistence, it must make good the difference through its poor laws. If it trenches on the minimum with one hand, it must build it up again with the other.

It is one thing, however, to recognize the justice of the principle in the abstract, and quite another thing to defend the particular shape given to it by the new law. He would be bold indeed who would say that a $4000 income constitutes a minimum of subsistence. When capitalized at the current rate of interest, it is equivalent to property of from $80,000 to over $100,000. This is not a minimum, but a very comfortable subsistence. Under our former income-tax laws, when the exemption was $600, the total number of taxpayers in 1866 was 460,170. With an exemption raised to $1000, the number of taxpayers in 1867 was reduced to 240,134. When the exemption was finally reduced to $2000, the total number of taxpayers in 1872 was only 72,949. Even making allowance for the increase of wealth and population during the last quarter of a century, it is manifest that the number of individual taxpayers under the new law will be exceedingly small. Regarded from the standpoint of revenue, Congress has therefore voluntarily abandoned a rich source.

It must indeed not be forgotten that we should look at the

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income tax as a branch of the whole revenue system. Much may accordingly be said in mitigation of this seeming injustice. As we pointed out above, the burden of taxation — that is, of the tariff and the local property tax — is borne primarily by the lower middle class, more especially by the farmers. Even though $4000 be not a minimum of subsistence, it nevertheless represents in large part the income of a class which is on the whole unfairly treated at present. Moreover, in England the limit of abatement has recently been raised to £500, which, in view of the different purchasing power of money, is not much inferior to the new American limit. Neverthelsss, it is probably true that the limit has been fixed too high; for already under the property tax people who earn and spend their own incomes are entirely exempt. In addition, a definite amount of property over and above the annual earnings is also exempt, so that the present law grants still another exemption. An effort was in fact made to reduce the limit of exemption to $3000. It would most probably have succeeded, but for an unfortunate difference, partly political, partly personal, between an individual senator and the remaining members of the dominant party. While, therefore, something may be said in explanation, and even in palliation, of the provision, we are forced to the conclusion that the $4000 exemption is too high, and that it will seriously interfere not only with the fiscal success of the measure, but also with the popularity of the tax among those who think they are being unduly burdened in order to free an entire class that is well able to contribute something.

The third objection is one to which I have already alluded, — the inclusion of the inheritance tax with the income tax. I discussed it above rather from the point of view of the theory of income, and showed that the inclusion of inheritances was unscientific. But this, of course, does not settle the question whether it was correct to tax inheritances as such. It is, after all, immaterial whether the law provides for a separate inheritance tax or whether it is made a part of a nominal income tax. Was it wise to impose an inheritance tax?

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To answer this query it is necessary to consider the relations between federal and state taxes. From the very origin of our government it has been the practice to make a difference between the two and to apportion to each government certain sources of revenue upon which the other should not encroach.[1] This principle has been violated only in some periods of extraordinary emergency, or at other times, in some minor legislation, as, for instance, in the case of the whiskey taxes in Delaware and Kentucky which conflict with the national internal revenue system. But the introduction of the inheritance tax, even in the modified form of a tax on successions to personal property only, is a serious break with this principle of differentiation or segregation of source. One of the chief steps in the reform of American finance has been the growth of the inheritance tax as a commonwealth tax and its development, together with the corporation tax, as a main, or in some cases almost an exclusive, source of commonwealth revenue, thus permitting the other sources of revenue to be relegated to the local divisions. It is true that while a large number of states have recently instituted the collateral inheritance tax, a direct succession tax is found only in New York. But there is very little doubt that the movement which had received so great an impetus during the past few years would have spread until before long the inheritance tax would have become an important factor in commonwealth finance. The imposition of a federal inheritance tax, while perfectly justifiable in itself, will tend to check this salutary development. It will supply the commonwealths with a reason for not adopting the inheritance tax as a source of state revenue. If this is to be a permanent feature of the national law, it will render far more difficult a rounding out and logical arrangement of the entire tax system. It may be said that just as an income tax is far better as a national than as a state tax, because so many

[1] We are only just waking up to the fact that the same salutary principle can and ought to be applied to the state and local governments. The whole tendency of recent tax reform in the United States, as abroad, is to observe the distinction between the sources of state and local revenue.

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complicated questions of domicile and double taxation are avoided, so in the same way, and largely for the same reasons, a federal inheritance tax is preferable to a state inheritance tax. But even if this be true, the advantage is dearly purchased at the cost of an entire reversal in the march of progress towards a consistent and logical revenue system for the entire country. It may be possible to find some method of filling the gap created in the commonwealth tax system. But it seems a pity, to say the least, to check a promising movement when the difficulty of making any changes at all are so great as in the local tax systems of the United States at present.

But all these objections to the income tax sink into insignificance when compared with the fourth and final defect. This is the failure to introduce the principle of stoppage at source. The history of income taxation reveals two chief methods of arrangement. The one, as exemplified in the English income tax, is to split income into schedules according to the source from which it is derived, each schedule or set of schedules being assessed separately by different officials. This might be termed the scheduled or stoppage-at-source income tax. The other method is to assess the income as a whole in a lump sum, and to levy the tax directly upon the income receiver and not, in the first instance, at the source or upon the income payer. This I have elsewhere called the lump-sum tax. England experimented for some time with the latter, only to abandon it as relatively impracticable. In the present English system, as a result of the separation of the tax into schedules, there is no declaration of the entire income in a lump sum; there is no assessment of the whole income by the same official, and therefore no information in the possession of any one official as to a taxpayer's entire income; there is no general attempt to ascertain details from the income receiver. It is the income payer rather than the income receiver who is primarily responsible for the tax. The money is collected, not from the landowner, who may be a non-resident, but from the occupier who pays the rent; not from the mortgagee, whom it might be impracticable to ascertain, but from the mortgageor;

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not from the clerk who receives the salary, but from the corporation which pays it; not from officers of the government or from annuitants, or from investors in government bonds, but from the funds out of which salaries and annuities and interest are paid. The profits on the ownership of real estate are assessed locally and primarily on the land, not the landowner. The profits of farming are estimated in a fixed ratio to rent. Municipal and private corporations withhold the tax from the sum payable to security holders and employees. The agents of foreign and colonial securities and the bankers through whom profits are received from abroad are compelled to advance the tax and deduct it from the sums payable to their clients. In short, instead of being a general income tax, it is in great part a tax or system of taxes on first produce. Instead of being a tax on personal revenue, it has become a tax on net product. It is only in Schedule D, which serves as a drag-net for the profits which are not reached under the other schedules, that any uncertainty can arise, and here alone is there any room for the inevitable practical defects of an income tax.

In our new law we find none of these features, with two exceptions. Corporations deduct the tax from the dividends, and the government deducts the tax from the salaries of public officials. It is true that in two places we find reference made to "that portion of any salary upon which the employer is required by law to withhold the tax."[1] Such a requirement in certain cases was embodied in the original draft of the bill, but disappeared before the measure took final form. The retention of the two references to the omitted clause is the strongest possible testimony to the carelessness with which the measure was prepared. The new tax, therefore, substantially follows the lump-sum idea. It would have been comparatively simple to divide the tax into schedules with the stoppage at source principle. For instance, the tax on income from real estate might have been levied locally by separate officials, just as the local tax on real

[1] Section 28. Section 33, indeed, provides that every corporation which pays to an employee a salary over $4000 shall report the same. But the law goes on to state that "said employee" (and not employer) shall pay thereon the tax, *etc.*

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property is levied to-day. The tax on the income from mortgages might have been levied by treating the income of the mortgage as a part of real estate, and assessing it primarily on the mortgageor, with provisions for withholding the interest by the mortgageor, and prohibiting contracts to the contrary by the mortgagee, as is the practice in some of the states to-day. The tax on all salaries might have been reported and withheld by the employer. The interest on all corporate bonds might have been withheld by the corporation. And in many other ways the principle of stoppage at source might have been introduced.

Instead of this, the American legislators chose to follow the more primitive and discredited methods. The result must inevitably be an immense increase of evasion and undervaluation. With no machinery for checking the returns, and with no reliable estimates for gauging the value of the self-assessments, it is unfortunately only too probable that many of the doleful predictions made by the opponents of the measure will be verified. It may not indeed be true of the new tax on individual incomes, as it has been said of the state tax on personal property, that it is looked on even by honorable citizens very much in the light of a Sunday-school donation; but it can safely be predicted that the tax on individual incomes will yield exceedingly little as compared with those two features of the law in which the stoppage-at-source idea has been introduced, namely, the tax on public salaries and that on corporate dividends. It is very much to be regretted that Congress should have deliberately refrained from adopting those measures which alone would have made the tax both lucrative and comparatively efficient. The difficulties have been needlessly multiplied; the lessons of experience have gone unheeded; and the income tax itself will be held responsible for what is really not the use but the abuse of the principle.

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VII.

From the above review it is evident that the law falls considerably short of being a perfect measure. The enthusiastic hopes of its admirers will fail of realization. The fraud which is inseparable from any income tax will have fuller opportunities because of the defective provisions of the present measure. But it cannot be too often repeated that the act must be regarded not by itself, but simply as a part of the entire American revenue system. Even were it to be a permanent measure, it would not by any means suffice as a complete reform of the system of taxation; for the state and local revenues exceed in amount those of the federal government. Even conceding that the income tax is to be regarded as a kind of compensation for the national indirect taxes, the injustice in the actual working of the state and local system would not yet be remedied. No direct income tax can be so administered under present American conditions as to strike the wealthy and unscrupulous in the same proportion as the honest and less well-to-do. And experience has sadly shown that the attempts at tax dodging increase in a given ratio to the amount of wealth. A direct state income tax has frequently been proposed as a remedy for the present abuses. But a local income tax would have all the disadvantages of a national income tax and none of its advantages. This is, indeed, not the place to outline a practical plan for the reform of our local taxation. But it may confidently be affirmed that the general line of development will lie in the abolition of the tax on personal property and the substitution in its stead of indirect income taxes, such as those on rentals and on business. In no other way can the opposition of the farmer be overcome. With a state tax on corporations and inheritances, and a local tax on real estate, business licenses and rentals, a comparatively good system will have been found.

Upon the rapidity with which this program is realized depends entirely the answer to the query whether or not the

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present income tax is to be permanent. As yet every one is at sea as to its probable yield. The very loose estimates vary from twelve to forty millions of dollars, and it may, probably will, yield even more. Of course it will take several years before the tax is in full working order. But it must be conceded that the revenue will be a substantial one. Since therefore the new tariff, together with the indirect taxes, will about cover expenses, a considerable surplus is to be looked for. Whether the income tax will then be dropped at the expiration of the five years, or whether some change will be made in the tariff, depends so much upon purely political conditions that it is plainly impossible to forecast the future. But if the tax should be dropped, the prediction may be hazarded that it will reappear before long. The democratic trend towards justice in taxation cannot be prevented here, as it has been impossible to prevent it in other countries. And while many of us would prefer to see the ideal approached rather by a reform of state and local taxation than by any change in the principles that govern the federal revenue, the difficulties in the path and the growing interstate jealousies will perhaps make it easier to alter the national than the local systems. In proportion as this is true, the ultimate permanence of the federal income tax, although not perhaps in its actual form, seems to be assured. This is the real importance of the present measure; and this, notwithstanding its inevitable shortcomings, constitutes its undoubted strength. The mass of the people are becoming restless and dissatisfied with the tax system. The chief reform must be either local or national. In proportion as the former is delayed the latter will be accelerated. But national reform is well nigh impossible without a permanent income tax.

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ASSIMILATION OF NATIONALITIES IN THE UNITED STATES. II.

Influence of Social Environment.

HERBERT SPENCER has made the remark that the earlier stages of social evolution are much more dependent upon local conditions than the later. Primitive man was at the mercy, so to speak, of the physical environment. With his feeble appliances and weak intelligence he was unable successfully to combat the adverse influences of climate, of habitat, of the savage beasts and noxious plants which threatened existence itself. Civilized man has reduced nature to subjection, at least to a certain extent. He can withstand the extremes of heat and cold; he has domesticated the useful and exterminated the dangerous beasts; he brings the soil under cultivation; in the bosom of the earth he seeks treasures which were unknown to his ancestors; and he devises means of communication over land and sea. He can, consequently, choose his place of dwelling and adapt himself to apparently unfriendly surroundings. The effect of physical environment is obscured and in many cases doubtless neutralized by these artificial contrivances for the promotion of living.

As societies progress a new set of factors come in to modify them. Among these Spencer notes the influence of the super-organic environment — the action and reaction of neighboring societies on one another and the accumulation of super-organic products. Among these latter are material appliances, tools, machinery and buildings; language, the development of knowledge, science; and finally, customs and opinions developing into creeds, mythologies, theologies, cosmogonies, systems of law, ethical codes, institutions and social sentiments. These

> form together an immensely-voluminous, immensely-complicated and immensely-powerful set of influences . . . They gradually form

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what we may consider either as a non-vital part of society itself, or else as an additional environment, which eventually becomes even more important than the original environments — so much more important that there arises the possibility of carrying on a high type of social life under inorganic and organic conditions which originally would have prevented it.[1]

The circumstances under which mixture of nationalities has occurred in the United States leaves no room for doubt that the influence of the social environment is one that must be reckoned with. The original colonists were men armed with the appliances and resources of civilization, trained by centuries of organized social life, with tradition, history, language, literature, religion and settled customs, and with strongly marked social ideals and aspirations. Many of the first settlers came in order that they might carry out peculiar religious and political modes of thought and living, or at least that they might be freed from creeds and systems that were distasteful to them. In this country they found an unexampled opportunity to establish and to cultivate their own system, which in turn left a deep impress upon the customs and character of their descendants. It is impossible that the institutions thus developed should not have had a powerful influence during the further expansion of the country westward after the formation of the Union. It is equally impossible that they should not have influenced the immigrants who assisted in that expansion. These immigrants, it is true, brought their own customs and habits of life and may have influenced in turn the institutions of the native Americans. The result has been a modification of character and institutions due to the mixture of nationalities under the influence of social environment. How are we to conceive of the influence of this social environment and how are we to trace and define its effect?

In the first place the remarks which were made in the previous article[2] in regard to the peculiar circumstances connected with the mixture of nationalities in this country are

[1] Principles of Sociology, I, pp. 14 and 15.

[2] See this QUARTERLY for September, pp. 432 *et seq.*

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to be repeated, only with greater emphasis. Since there has been no conquest of one nationality by another, but all have stood on equal terms, and since the immigrants have come individually, without political organization, the social environment, even more than the physical, has had free play. National and race prejudices have prevented no body of immigrants from adopting the habits and customs of their new home. To many this has been the land of refuge and of promise, and they have readily and gladly substituted the new habits for the old, which reminded them only of past conditions of inferiority, if not of tyranny and oppression. No tradition has induced the succeeding generations to regard their ancestral customs as a sacred heritage to be preserved in a hostile land or in the presence of a strange people. The descendants have as a rule been glad to throw off peculiarities of speech and manner which distinguished them from the native Americans. These influences cannot be overestimated.

There is another parallel which must not be overlooked in this connection. Just as in the case of physical environment the constant struggle of the process of settlement which took on the form of "frontier life" was a universal and continuous assimilating force working on all the colonists and the successive immigrants, so in the case of the social environment we have a continuous and pervasive force which has had a similar influence. The early colonists were mostly English, and during the period of colonization the English language and English political institutions were fixed in a position from which they have never been dislodged. With the Revolution and the adoption of the constitution, this position was still further confirmed, and no one has been able to doubt that we are an English-speaking nation with representative institutions and a legal system largely after the English model. No immigration, however large and powerful, has ever been able to affect this position for an instant. The result has been that the succeeding tides of immigrants have cherished no thought of making their institutions dominant, but have simply fallen into the mould already prepared and have received its imprint. This

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dominance of English institutions has been a force of enormous importance. There has never been a struggle in regard to the fundamental principles of the form of government. All comers have been received freely, but with the tacit understanding that they acquiesced in these principles.

The process of mixture, then, has not been so much a mingling of institutions as an assimilation to the institutions already existing. Different nationalities may have offered greater or less obstacles to the process, and in some cases it may have been only partially successful; yet it has never been a contest between two distinct systems, but always a progress with greater or less rapidity towards the already-established system, which we may call the American. And this is the character of the problem at the present time, and defines precisely the method which must be pursued in trying to determine the assimilating influence of the social environment. We have but two questions to ask: first, What is the nature of this social environment of which we speak, and what chance has it of exerting its influence? and second, Have we any means of testing whether it is exerting its influence or not?

It is impossible to enumerate all the elements in what we call social environment. One very powerful influence is that of education, including the use of the common language, the power of the newspaper, and of popular literature and the drama. The next is the exercise of political rights, including voting, office-holding and participation in jury duty, the town-meeting, party organization, *etc.* Then there are other social influences more subtle and more difficult to define. Such are those which arise from participation in the holding of property, from the general expectation of self-reliance and independence in every individual, from public opinion in regard to ethical conduct — such as the treatment of women and children, from the honorable position of labor, from the absence of aristocracy and distinctions of rank, from the Puritan traditions in regard to Sunday observance. In all these directions we should ask whether the American influence has had a favorable chance to make itself felt, and whether we have any means of measuring

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the result. It would be a long task to follow out all these lines, and I shall confine myself to one or two simply as examples.

Education as an Assimilating Influence. — The assimilating influence of education is commonly dwelt upon with great emphasis in discussing the question how the United States is able to receive such a mass of foreigners, many of them not speaking the English language when they come, and many of them destitute of the elements of knowledge in their own language. It is an important question, in the first place, how receptive these foreign elements are to the influence of our educational institutions, our newspapers, our public discussions and our literature. They will be receptive in proportion as they already speak the English language, and thus have one serious obstacle to assimilation out of the way; in proportion as they come from countries which have a high standard of education and intelligence; and in proportion as they are of an age to profit by our educational advantages and to be susceptible to new influences. A census of general intelligence is out of the question. Can we in any way get statistical indices sufficiently clear to lead us to a valid judgment about these points?

Of the immigrants to this country, all those from Great Britain and Ireland may safely be put down as speaking the English language, while a portion of those from British North America also speak English. Out of 15,427,657 immigrants who arrived here from 1820 to 1890, 6,235,237, or forty per cent, were put down as coming from Great Britain and Ireland; while there were 1,046,875, or 6.79 per cent, put down as coming from British North America. It may safely be said that from forty to forty-five per cent of our immigrants have been able to speak the English language, and to that extent have been receptive to our civilization. It has often been pointed out, however, that this proportion of immigrants from Great Britain is constantly decreasing. During the decade 1870–80, the proportion from Great Britain and Ireland was only 35.03 per cent of the total, and during the decade

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1880–90 it was only 27.88 per cent. The proportion from British North America was still 7.49 per cent, but that immigration was very largely composed of French Canadians. In 1891, the proportion of immigrants from Great Britain and Ireland was less than twenty-two per cent of the total, and those from British North America by land were no longer reported. The difficulty of assimilation owing to difference in language is growing greater every decade, and is increased by the fact that there is a large number of each nationality already here with whom the new immigrant can speak his own language. It is no longer necessary that he acquire a new language in order to make his wants known and be able to live in comfort. He finds associates in business, in church, in school and in social intercourse, all of whom use his own tongue. There are communities in America — agricultural townships or parts of large cities — where a man can live a lifetime without needing to speak English. They are veritable foreign communities in the midst of the United States. It is quite impossible that this should continue, for the dissolving influence of American life reaches these communities in the second generation.

It is hardly fair to regard a knowledge of the English language as the sole test of the fitness of the immigrant to assimilate with the American element, or even as a conclusive test of the ease and quickness with which this assimilation may go on. There are many immigrants of foreign speech who are more intelligent than others who are able to speak English. It is well known that while illiteracy is comparatively high among the Irish, it is very low among the Germans, the Swiss, the Swedes and the Norwegians. On the other hand, illiteracy is common among the Italians, the Hungarians and other nations of southern Europe. The immigration from Germany now (1880–90) represents 27.70 per cent of the total immigration; that from Norway and Sweden, 10.84 per cent; and that from Switzerland, 1.56 per cent. The greater part of this consists of persons who have received elementary school instruction, whatever value that may have in making them more intelligent in adapting themselves to their new

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surroundings. It is to be noted that the immigration from countries where illiteracy is high is increasing both absolutely and relatively. This is particularly the case with Italy.

There is one other aspect of this question of assimilation of foreign elements by education of which not much notice has been taken, but which is important. We trust to our common-school system to reach these foreigners, to teach them the English language, to make them intelligent and to prepare them for political power. We do not think of this system as affecting the immigrants directly, for they are too old to go to school; but we expect it to reach the second generation. It is an important question, now, to what extent this second generation is present, and in what proportion it stands to the immigrant element proper which the schools never reach. In ascertaining these facts we can learn both the magnitude of the task imposed upon our educational system, and the extent to which the foreign elements are susceptible to its influence. It is through the children that education must come, and the reactive effect on the parents is greater according as the number of the second generation exceeds that of the first. I have thought this clew worth following out, for it may afford us some index of the conditions of the problem, namely, the assimilation of the foreign-born through the common schools.

The eleventh census gives us the number of foreign-born white persons of school age, that is, from five to seventeen years, both inclusive. That, deducted from the total number of the foreign-born, gives us the number who are too old to profit by the common schools. Thus out of 9,121,867 foreign-born whites in the United States in 1890, 917,475 were of school age, leaving 8,204,392 above the school age.[1]

To contrast with these foreign-born who have never submitted to the influence of education in this country, we have the 11,503,675[2] native whites of foreign parentage, who either have had or are now having the advantage of education here.

[1] This number is not quite accurate, because it includes those under five years of age. In 1880 this number was only one per cent of the total number of the foreign-born.

[2] Of these, 4,400,105 were of school age, *i.e.*, from five to seventeen.

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To these must be added the 917,475 foreign-born of school age, making 12,421,150 to contrast with the 8,332,072. This shows the magnitude of the task of education we have before us, and also the proportionate part of the foreign element which is accessible, so to speak, to the influence we are trying to bring to bear on them. The proportion is widely different in different parts of the country, and reveals the greatest variety of problems offered by the presence of the foreign-born. Some of the principal points may be considered in connection with the table on the opposite page.

The percentages in this table are intended to show the progress that has been made in bringing the foreign population of the United States under the influence of education. It does not show how far the foreign element takes advantage of the opportunity of education, or how far this education is effective in accomplishing its work. That can be only a matter of observation, or at best of statistics of illiteracy. But it is important to know how far an opportunity is offered to reach these masses which we wish to assimilate. The facts disclosed here are in some respects very curious.

The proportion of native whites of foreign parentage plus the foreign whites of school age (the schooled and schoolable) to the foreign-born whites above the school age, for the whole of the United States, is as 151.39 to 100. This would seem to show that the foreign element is in a controllable position — a position where we can bring the influence of our educational system to bear upon it. As time goes on this proportion should increase; for the foreign-born population is constantly decreased by deaths and the native population of foreign parentage is constantly increasing. The countervailing force is immigration, which, as it holds its own or increases, constantly adds to the adult foreign-born population which never has been, nor can be, subjected to the assimilating influence of education in this country.

Comparing the two sections of the country where the foreign element is strongest, the North Atlantic Division and the North Central Division, we are astonished to find that the

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	1. Foreign-Born Whites.	2. Foreign-Born Whites of School Age.	3. Foreign-Born above School Age.	4. Native Whites of Foreign Parentage.	5. Schooled and Schoolable.	6. Number of Schooled and Schoolable to 100 Unschooled.	
The United States	9,121,867	917,475	8,204,392	11,503,675	12,421,150	151.39	U. S.
North Atlantic Division	3,874,866	394,422	3,480,444	4,355,710	4,750,132	136.48	N. At. Div.
Maine	78,695	12,837	65,858	73,865	86,702	131.64	Me.
New Hampshire	72,196	12,544	59,652	50,015	62,559	104.87	N. H.
Vermont	44,024	4,811	39,213	62,149	66,960	170.75	Vt.
Massachusetts	653,503	71,864	581,639	606,440	678,304	116.61	Mass.
Rhode Island	106,027	14,429	91,598	94,282	108,711	118.68	R. I.
Connecticut	183,155	18,462	164,693	193,048	211,510	128.42	Conn.
New York	1,565,692	139,951	1,425,741	1,837,453	1,977,404	138.69	N. Y.
New Jersey	327,985	32,303	295,682	371,878	404,181	136.69	N. J.
Pennsylvania	843,589	87,401	756,188	1,066,580	1,153,981	152.60	Pa.
North Central Division	4,053,457	431,240	3,622,217	5,608,315	6,039,555	166.73	N. C. Div.
Ohio	458,553	38,065	420,488	791,735	829,800	197.34	Ohio.
Indiana	146,003	9,714	136,289	302,735	312,449	229.25	Ind.
Illinois	810,975	87,092	723,883	1,044,804	1,131,896	156.36	Ill.
Michigan	541,601	70,887	470,714	613,590	684,477	145.41	Mich.
Wisconsin	518,989	54,117	464,872	726,835	780,952	167.99	Wis.
Minnesota	467,057	56,541	410,516	518,151	574,659	139.98	Minn.
Iowa	323,932	31,167	292,765	513,187	544,354	185.93	Iowa.
Missouri	234,282	15,087	219,195	437,699	452,786	206.56	Mo.
North Dakota	81,348	14,403	66,945	63,347	77,750	116.14	N. Dak.
South Dakota	90,843	12,761	78,082	109,215	121,976	156.21	S. Dak.
Nebraska	202,244	25,697	176,547	250,420	276,117	156.39	Neb.
Kansas	147,630	15,709	131,921	236,597	252,306	191.25	Kan.

Compiled from the Eleventh Census, Compendium I, pp. 469 and 746.

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former is much below the percentage for the whole country and the latter is as much above. In the East there are only 136.48 schooled and schoolable for 100 foreign-born above the school age; while in the West the proportion is 166.73 to 100. We are apt to think of the Western population as composed largely of immigrants of recent years. This comparison, showing apparently that the newly-come foreign element is stronger proportionately in the East than in the West, throws a different light on the task of assimilation which the two sections have before them. The West already has a decided majority of the foreign element at an age when it can be successfully dealt with by the assimilating power of schooling, while the East has a large body of adult foreigners to deal with. A closer examination of the Eastern states discloses the reason for this.

Vermont is an example of a state where immigration has worked its mission and ceased. She is in that second stage where we have for years imagined that the whole of the United States would arrive, namely, that of the dominance of immigrants' children, who, as a result of their birth on American soil, have been subjected to the dissolving influence of American life. There are 170.75 of the schooled and schoolable to 100 of the foreign-born above the school age. *A priori* we should have expected the other New England states to be in the same condition. Maine shows a slight inclination in that direction; but all the other states are in an entirely different position. New Hampshire, for instance, presents the appearance of a state where the immigration is of recent date, the numbers of the two classes being almost the same (104.87 to 100). Next to New Hampshire comes Massachusetts, where, owing to the strength of the recent immigration, the proportion of the schooled and schoolable to the foreign-born above the school age is as 116.61 to 100. Rhode Island and Connecticut show the same condition of things. The explanation of this situation in New England is doubtless the immigration into the factory towns. The further analysis of the census will show of what nationalities this strong

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and newly arrived foreign element is made up. In New York the proportion is also low (138.69 to 100) and may be explained by the residuum of immigrants, who, owing to poverty or inertia, remain at the place of landing. The peculiar position of Pennsylvania (152.6 to 100) is difficult to explain, except on the theory that the immigration years ago was very powerful, so that the number of the second generation is large enough to overcome the more recent immigration.

If we turn our attention to the Western states, similar contrasts meet us. Ohio and Indiana seem to have received their complement of immigrants, and it is the second generation which is now dominant. Accordingly we find in Ohio the proportion to be 197.34 to 100, and in Indiana 229.25 to 100. In the same category is Kansas (191.25 to 100). Missouri (206.56 to 100) is a Southern state in many of its characteristics. It is in Wisconsin and Minnesota that we should look for the great strength of the foreign-born. But in Wisconsin the strength of the schooled and schoolable to the foreign-born above the school age is as 167.99 to 100, greater than in any Eastern state except Vermont. Minnesota has a smaller figure (139.98 to 100), showing that the immigration is more recent than in Wisconsin, but still the proportion is higher than in any Eastern state except Vermont and Pennsylvania. Illinois, Michigan and Nebraska stand between Wisconsin and Minnesota, while Iowa, like Kansas, has the characteristics of an old state.

What is the sociological significance of these contrasts? They give us a new standard for measuring the prospect of assimilating the foreign element in different parts of the United States. In Massachusetts the foreign-born whites number 29.19 per cent of the whole population, and in Wisconsin 30.77 per cent. But the proportion of schooled and schoolable in the former is only 116.61, while in the latter it is 167.99, to 100 of the foreign-born above the school age. Is not the task before the state of Wisconsin less arduous than that before the state of Massachusetts? In New York the foreign-born whites number 26.11 per cent of the total popula-

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tion; in Minnesota, 35.87 per cent: but notwithstanding this, the proportion of the schooled and schoolable to the foreign-born above the school age is almost precisely the same, *viz.*, 138.69 and 139.98 to 100. While the foreign-born in Pennsylvania are 16.04 per cent of its population and in Iowa 16.94 per cent, yet the latter has 185.93, and the former only 152.60, of schooled and schoolable to 100 foreign-born above school age. New Hampshire has 19.18 per cent of its population foreign-born, and Nebraska has about the same number; yet, while

Table showing percentage of foreign-born and foreign-parentage population of school age (5 to 17) to whole school population.

STATES.	PER CENT.	STATES.	PER CENT.
North Atlantic Division	45.76	North Central Division	41.45
Maine	24.95	Ohio	30.38
New Hampshire	38.38	Indiana	17.77
Vermont	33.38	Illinois	47.01
Massachusetts	60.51	Michigan	56.11
Rhode Island	62.45	Wisconsin	72.42
Connecticut	54.57	Minnesota	76.41
New York	54.79	Iowa	42.58
New Jersey	48.26	Missouri	22.51
Pennsylvania	32.26	Nebraska	42.14
		Kansas	26.39
		North Dakota	80.32
		South Dakota	61.17

New Hampshire has only 104.87 schooled and schoolable to 100 foreign-born above the school age, the Western state has 156.39 to 100. The contrast between the Eastern and the Western states in this particular is something astonishing.

The task of education imposed upon the several states by the presence of the foreign-born is not quite clearly shown by by the foregoing comparison, for the reason that many of the native whites of foreign parentage are already beyond the school age. In order to measure the present burden we must compare the foreign-born of school age plus the native whites of foreign parentage of school age, with the total number of

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whites of school age. That comparison is not difficult to make, and is shown in the table opposite.

The significant thing in this table is still the high percentage of some of the Eastern states, such as Massachusetts and Rhode Island. In Massachusetts sixty per cent and in Rhode Island sixty-two per cent of the total white population of school age is composed of foreign whites and the children of foreign whites. New Hampshire is below the two states mentioned, because her foreign population is evidently of the first generation, and largely adult. Connecticut and New York maintain a high percentage. If we turn to the West we see Wisconsin and Minnesota with very high percentages, because they have a large number of both foreign-born persons and native whites of foreign parentage. It is strange that Iowa and Nebraska should be so much lower than Massachusetts, and that Ohio and Kansas should be below an old and conservative New England state like Vermont, which in the other table seemed so free from foreign influence. Indiana is quite exceptional among all the states, and the figures would seem to show that so far as the assimilating influence of education is concerned the task is no longer a difficult one, for less than one-fifth of all the persons of school age are of foreign birth, or the children of foreign-born persons.

Have these figures any sociological importance? In one respect they have. The object of the school system to which the mass of these persons are subjected is to make them intelligent, and intelligent in the American manner. Where the children are of foreign birth, often of a foreign language, the task must be more difficult of accomplishment than when the children are of native birth and of native parentage. With the children of native birth, but of foreign parentage, the obstacles are not so great. Many of them are of parents who have already become more or less American, and a few of them of families which are above the American standard of intelligence. So much may be easily granted. Still, many of these children of native birth and foreign parentage come from homes and social surroundings which are entirely foreign, so that the assimilat-

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ing influence of the school upon them is somewhat hindered. It is for this reason that we have classed them with the foreign-born. And it is to be noted that this obstructive force increases more than proportionately to the increase in the ratio of these two classes to the whole body of those of school age. Where the former are few in number, they are able to offer little resistance to the dissolving influence of school and social life. Where they are sufficiently numerous to be able to form a body by themselves superior to the native-born of native parentage, then the resistance they can offer becomes much more serious. For they are sustained not only by their numbers, but also by the presence of a compact body of the foreign-born, their parents, who surround them with all the atmosphere of a foreign country. It may be that even where the children born on this soil are ready to adopt American habits and notions, they will be restrained by their parents. The opposition to the use of the English language in some of our Western states comes, of course, not from the children, but from their parents.

Thus far we have looked only at the proportion of the foreign-born, or the children of the foreign-born, who, according to their age, may be subjected to the assimilating influence of education. The result is encouraging, because it shows that we have to deal, not with the crude immigrants, but with the second generation, which, born on this soil and only foreign by descent, will in all probability be amenable to the assimilating influence. We also see clearly that the task before the different states is not always of the same degree of difficulty, although in all the Northern states it is one of sufficient magnitude. The chance for the assimilating force of education to make itself felt is sufficiently great. It is a further question how far it does make itself felt. Education can be felt only if the foreign-born of school age are in the schools. We have no statistics showing how far this is the case. The commissioner of education reported in 1890 that while the number of children of school age in the United States, according to the census, was 18,543,201, the number of children

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enrolled in the public schools was only 12,697,196, and the average daily attendance was 8,153,635.[1] These statistics are of no value for us, because there is no distinction made between the native and the foreign-born.

A second way of answering the question whether the influence of education makes itself felt is by the statistics of illiteracy, with distinction of birth and parentage. All statistics of illiteracy are very rough indications of intelligence, because the test is simply ability to read and write, and the statement of the individual is taken without any control. The census of Massachusetts for 1885 gave some analyses of illiteracy, which may be useful as showing the power and influence of the school system in one of the Eastern states.

The total number of illiterates in Massachusetts in 1885 was 122,263, of whom 13,893, or 11.37 per cent, were native-born, and 108,365, or 88.63 per cent, were foreign-born. That is to say, nearly nine-tenths of the illiteracy in Massachusetts was due to the foreign-born. And, still further, of these 13,893 of native birth, only 6012 were of native parentage, the remainder being of foreign or mixed parentage. As far as the native population of this state is concerned, illiteracy has been practically overcome, the few cases that are left being connected generally with some form of mental or physical infirmity or condition of homelessness and degradation such as exist in every community. Of the total number of illiterates, 54.86 per cent were Irish and 19.87 per cent were French Canadians.

In Massachusetts a person who could read and write any language was counted as literate. But, in addition to the foreign-born illiterates mentioned above, who could not read or write in any language, there were 30,883 persons of ten years of age and over who could read and write only in some language other than English. The French Canadians were the most numerous among these.

Illiteracy among the foreign-born is the more discouraging because it is found among adults, and can thus never be overcome. Of the foreign-born of ten years of age and over, 21.5

[1] Statistical Abstract, 1893, p. 264.

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per cent were illiterate. Of these illiterates, 92.81 per cent were twenty years of age and over. This is the reason why it is impossible to look upon education as an assimilating force in the first generation. It only acts on the second generation; and the commonwealth whose foreign population consists mainly, or in a great part, of the newly-come immigrants, has a more difficult task before it than one where the foreign element has already reached the second generation.

These statistics show how important it is that we cherish our educational system, in order that this oncoming generation of the children of the foreign-born may be brought under its influence. The instruction given should be such as will tend to bring these children into the current of our national life, so that the development of social institutions and social ideals shall be harmonious and not discordant. It should be first of all in the English language; for it is absurd to suppose that we shall allow our national unity to be broken up by a diversity of languages. It must be of such a character as to fit the pupils for the duties of citizenship; for in such active duties there is the best training for a common feeling of nationality.

This sort of training is doubtless going on at the present time in thousands of schools. In many the difference between the parentage of the pupils will hardly be noticeable. In others, doubtless, the foreign parentage will offer greater or less obstacles to the reception of the training. Probably statistics will show a greater proportion of illiteracy among those of foreign parentage for some time to come. In Massachusetts, while the native-born of foreign parentage were only 28.49 per cent of all the native-born, the native-born illiterates of foreign parentage were 43.40 per cent of all the native-born illiterates. This disproportion is not necessarily permanent, but is probably a sign of the misfortunes that overtake the children of the foreign-born if they are left without parents and friendless.

The educational influences that lie outside of the school system can only be mentioned in a general way; they cannot be statistically defined. Chief among them are the news-

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papers, which are so universally read in the United States. Even those printed in foreign languages, which would seem likely to perpetuate the foreign influence, probably tend to weaken it by introducing their readers to and interesting them in the current events of American life. The theatres, the magazines and books, the popular amusements, the political speeches, even American slang, all have the same tendency in unifying the national ideas, however commonplace or even debasing their influence in other respects may be. The facilities for rapid communication diffuse this influence into the remotest agricultural villages of Swedes and Germans in the Northwest, while it everywhere pervades the daily lives of the great mass of the foreign-born who live in the great cities.

The Exercise of Political Rights. — This has been the second great assimilative force. It has been the policy of the United States to confer upon persons coming to this country with the intention of remaining the same political rights that the natives enjoy. The immigrants have, after a comparatively short probation, been admitted to the right of suffrage and of office-holding and have been treated exactly as if to the manner born. This policy has been based not only upon a general democratic belief in the rights of man and the equality of all men of whatever class or race, but also in the belief that these new-comers desired to cast in their lot with this democracy and that the law-making power was safe in their hands, they being equally interested with the rest of the community in its exercise. And the exercise of this power, with the knowledge it demands, the interest it excites and the responsibility it involves, has justly been regarded as one of the most potent of the influences tending to bring men of different nationalities into one harmonious unity.

The statistics of males of voting age may be subjected to the same manipulation as those of school age which we have just passed in review. We should have the proportion of foreign-born males of voting age, the proportion naturalized, the proportion of the second generation. We should thus discover just what chance the assimilating force of political

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rights has to make itself felt. As to the absolute participation of the foreign elements in the voting and as to the effect of that participation, we should require closer analysis and local observation, but we should find as before striking differences between different communities. In some the proportion of the foreign votes would be very large; in others it would be comparatively small. It is not necessary to carry out this study in detail. The chief point of interest is as to how we are to consider the foreign voters of the second generation, that is, the native-born voters of foreign parentage. If we are to look upon them as still foreign or as still in sympathy with the foreign voters, then we must combine their voting strength with that of the foreign-born and count it as representing the foreign vote. In that case the foreign vote would be very strong; in the whole United States it would be 34.77 per cent of the total white vote. In many of the states it constitutes a majority; as for instance in New York, where it would be 52.46 per cent of the total white vote, in Minnesota, 70.49 per cent, and in Wisconsin, 72.50 per cent. But it is not necessary to look upon the voters of the second generation as foreign. In actual life we know that many of them are no more foreign in feeling and sentiment than the native-born of native parentage. If education and the exercise of political rights have any assimilating effect, the natives of foreign parentage ought to be rather an offset than an addition to the foreign vote. If we look at them in this light, then we have 84.45 voters of the second generation to offset every 100 voters of the first generation, or the foreign-born proper.

That the assimilating influence of American life is felt in this second generation and very probably in the first, will appear plain if we consider the contrasts presented by different states. If, for instance, the foreign vote of two generations were "solid" and differed in aspirations and aims from the native vote, would not the political life of such a state as Wisconsin, where there are 263.7 foreign votes to 100 native votes, differ radically from that of a neighboring state like Iowa, where there are only 71.45 foreign votes of two genera-

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tions to 100 native votes? The North differs from the South and the West differs from the East, but in neither case would there seem to be any more reasonable ground for difference than in the case of these two Western commonwealths lying side by side. Why should not North Dakota differ materially in the manifestations of its political life from its sister state, South Dakota, when in the former there are 215.45 and in the latter only 125.45 foreign voters of the two generations to 100 of the natives? In New York the foreign vote of two generations, as compared with the native vote, is twice as strong as in Pennsylvania: is there any indication of this in the condition of the two commonwealths? One possible answer to all these queries is, that the second generation of voters has been subjected to the assimilating influence of American life and that they are as much American as foreign. It needs but little exercise of the imagination to picture how radically and peculiarly these communities would differ from each other if the process of assimilation had not gone on — if the second or even the first generation had retained the habits, customs and feelings of the home country.

I am aware that this argument lacks scientific certainty and precision. It may be objected that, the foreign element being composed of different nationalities, there is no reason why it should be solid even in the first generation. Swedes and Italians are no closer to each other than either is to the native-born element. The term foreign-born, therefore, is too general and conceals as many differences as likenesses. This is true; but it is only another proof of the controlling and assimilating influence of American institutions and American life, which prevents on the one hand the union of these elements on the basis of their common opposition to American institutions (an opposition for which abundant reason might be found in the general unlikeness of American and European life), and on the other hand an internecine contest among these different elements on the basis of their own unlikenesses. In other words, if it were not for the powerful influence of American life, we might conceive of these nationalities as fractions of a

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parliamentary opposition, which, although radically opposed to one another, might occasionally unite in order to obtain an opportunist victory against the majority, only to fall into a violent struggle for the possession of the spoils. That this does not happen, and still further that the opposition does not become traditional and irreconcilable from generation to generation, seems to me to show in a convincing, if not a precise way, that the second generation is already Americanized.

It has been suggested, also, that these differences will appear more rather than less plainly as the immigration becomes older. The first immigrants are too much occupied with making good their economic and social position to care much for the exercise of political power. They are, moreover, unfamiliar with the political machinery, and cannot make their real influence felt. As they live here longer, and become conscious of the power in their hands, they will use it for the realization of desires which have hitherto lain dormant in their breasts. We may, therefore, expect greater differences of opinion and more bitter class struggles in the future than have appeared in the past. The hereditary national characteristics, which have hitherto been concealed under an apparent conformity, will then reveal themselves in full force.

That there are to be violent class struggles in the future seems very probable; and that certain nationalities are particularly prone to such contests, especially those of a socialistic and anarchistic nature, is often asserted. But these struggles are not primarily on the basis of nationality. They affect the native-born as well as the foreign-born, although possibly not to the same degree. They are primarily class struggles, and have to do with the possession of wealth, which appeals to all nationalities and to all men, whether native-born or foreign-born. The effect of such a struggle is not so much to split up the nation, as to destroy it, by introducing antitheses which no system of institutions can ever make reconcilable. And the very struggle may have one effect which will be unifying; for so far as it shall be conducted under American forms,

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namely, by appeal to the voters, the assimilating influence of American institutions will make itself felt.

Finally, it may be objected that a more minute study of the legislation and political life of the different commonwealths would reveal differences which do not appear at a superficial glance. This very likely is true; and such minute study is eminently desirable, and would probably bring forth fruit. But the fact that such differences are not apparent at first glance shows that an influence is present which works in the general direction of assimilation. Against this general conclusion it is incumbent upon those who deny its validity to array the particular facts.

Other Influences. — The social influences other than those already examined are more difficult to grasp statistically, but I believe they would be found working under the same conditions, and that we could probably infer the same results. Criminal statistics have been extensively employed to show the evils which we suffer from indiscriminate and unrestricted immigration. The figures are often used without sufficient care; but it is very possible that the burden of criminality and pauperism is increased, absolutely, by the coming of the immigrants. But when we consider that the immigrants are predominantly adults; that they are poor and ignorant; that they must include many of the failures of the Old World, who are often either directly or indirectly assisted to leave home; that they land here without friends to aid them, or public opinion to restrain them: when we consider all these things, it is surprising that the criminals and paupers are not more numerous than they are. Is it not probable that the social environment soon gets hold of the immigrants in this respect, and that they learn speedily to conform to the sentiment of the community?

To sum up, then, it seems to me that the statistics go to show that the foreign element in this country is getting to a position where it is especially amenable to the influence of the social environment. Owing to the unorganized character of

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the immigration; to the lack of political and social connection between the immigrants and the home-country; to the variety of elements which more or less neutralize one another; and to the powerful influence of the established institutions, — assimilation to the one type is the natural and almost inevitable result. We have negative evidence to show that the process of assimilation is going on; for otherwise we should have radical differences among our different commonwealths. It may be inferred, also, as it seems to me, although the proof is not yet altogether complete, that race character is a much less potent force in race mixture than physical and social environment; that what we are to look for is not so much a mixture of blood by intermarriage, or the influence of climate in reducing men to the same physical characteristics, as the influence of common occupations and common methods of satisfying material needs in developing similar mental faculties and the same character; that even more powerful than this influence of physical environment is the force of the social environment, giving men of different nationalities the same intellectual training, the same habits of political and social action, and, eventually, the same social aspirations and ideals. We are to look for the future American nationality, not in a capricious intermingling of different breeds of men, nor in the survival of a complex of institutions brought together here from all over the world, but in the assimilating power of a social environment, adapted, it is true, to the physical environment, but originally established by the colonists, and acting with almost irresistible force upon successive generations of native-born and immigrants alike. It is not in unity of blood, but in unity of institutions and social habits and ideals that we are to seek that which we call nationality.

RICHMOND MAYO-SMITH.

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THE HISTORY OF NEGRO SUFFRAGE IN THE SOUTH.[1]

I. *Before the Revolution.*

AS to race requirements for suffrage in colonial times, Dr. Cortlandt F. Bishop, in his *History of Elections in the American Colonies*, says that he knows of "no law that would prevent an Indian or a negro, if otherwise qualified, from voting in the northern colonies." So far as I have been able to learn, there were at first no laws disfranchising colored freemen in the South. Dr. Bishop even goes further and says that such laws were "of a comparatively late date."

North Carolina seems to have been the first to disfranchise the negro. In the Manuscript Revisal of the Laws, made in 1715, we find it declared that "no negro, mullatto or Indians shall be capable of voting for members of Assembly."[2] We can only approximate the date of the passage of this law. Burrington,[3] in his comments on the Revisal, says that this was "an old law taken from one of the Lords Proprietors' original constitutions and hath undergone little alteration." He recommends that the act be repealed, as the people "assemble and chuse Burgesses on the day by the act appointed without any writ for it." The law was repealed by the king's order in 1734, probably in response to this recommendation. It was contrary, moreover, to the spirit of the colonial government; for the proprietors, in their instructions to the governor of Albemarle in 1667, had granted the ballot to all freemen.[4] An act of the year 1743 carried out the spirit

[1] This paper was presented to the World's Congress Auxiliary on Government, at Chicago, in August, 1893. The writer wishes to express his thanks to Dr. C. Meriwether for valued criticisms and suggestions on the subject.

[2] Law printed in North Carolina Colonial Records, II, 213, and quoted by Dr. Bishop, who calls attention to the fact that "Mustee," which is to be found in the original, is omitted in this reprint. The act stands 10 in the revisal of 1752.

[3] Col. Rec., III, 180.

[4] *Ibid.*, I, 165.

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of this instruction and gave the suffrage to all freemen, but this was repealed before 1760. An election law of this latter year provided that all freeholders should vote, and defined a freeholder as a

> person who, *bona fide*, hath an estate real for his own life time, or the life of another, or any estate of greater dignity or of a sufficient number of acres in the county which by the law enables him to vote or be a candidate for such county.

No other election law was passed by the colony. In theory, whatever may have been the practice, the free negro had after this the right to the ballot.

South Carolina was the next to forbid the negro the ballot. As early as 1701 and 1703, complaints had been made from Berkeley County, that "free negroes were received and taken for as good electors as the best freeholders in the province,"[1] but the law of 1704 prescribed no qualifications save a freehold and a certain amount of property.[2] The law of 1716 was the first to insert the word white.[3] This was retained in the laws of 1721, 1745 and 1759,[4] and was unchanged in the constitution of 1776. Though these earlier laws required that electors must be white, it was not till 1759 that the same qualification was expressly applied to the elected.

In Virginia an act of 1705 had forbidden negroes, mulattoes and Indians to hold office. They were disfranchised for the first time in 1723.[5] When this law was referred by the Board of Trade to Richard West for the consideration of its legal aspects, he replied: "I cannot see why one freeman should be used worse than another merely upon account of his complexion."[6] This law was probably repealed by proclamation after being in force ten years or more; for it is found in the revisal of 1733, but not in that of 1766.[7] Another act dis-

[1] See the petition of Jos. Boone in N. C. Col. Rec., I, 639.
[2] Cooper, Statutes at Large of S. C., II, 249.
[3] *Ibid.*, III, 3.
[4] *Ibid.*, III, 136, 657; IV, 99.
[5] Hening, Statutes at Large of Va., III, 250; IV, 133, 134.
[6] Sumner's Works, X, 193.
[7] Hening quotes it from the ed. of 1733, p. 339.

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franchising negroes, mulattoes and Indians, although freeholders, was passed in Virginia in 1762.[1]

Georgia disfranchised the negroes in 1761.[2]

II. *From the Revolution to the Civil War.*

Manhood suffrage was not the prerogative of white men in the South where the slaveholding aristocracy predominated. This aristocracy was to its own members a democracy of democracies; to the outsider it was an oligarchy. The struggle against the limitations which it imposed went on steadily. The evolution was the same in all the states. Virginia may be taken as a type.

Under the earliest laws of Virginia, all freemen had a voice in affairs. This concerned first the daily matters of the hundreds, afterward the election of Burgesses. But in 1655 the law was changed by the Commonwealth men, and suffrage was confined to "housekeepers, whether freeholders, leaseholders or otherwise tenants." This law was repealed in 1656, but in 1670 the king, by letter to the royal governor, and without consent of the Virginia Assembly, went back to the principle first applied by the liberal party in 1655. None but "freeholders and housekeepers" now had the suffrage, and the reason is plain: the persons who had served their time as indentured servants had little interest in the country and made disturbances at the elections.[3] The act of Charles II gave the colony an aristocratic character.[4] The principles thus embodied in the organic laws of the colony were not changed in 1776. The landholding aristocracy prided themselves on their superior power and privileges.[5] But exclusion from a voice in the elections was not pleasant to the landless class of citizens,

[1] Hening, VII, 517.

[2] Bishop, *op. cit.*, 52.

[3] Hening, I, 403, 411, 475; Cooke's Virginia, 222–224.

[4] It is worthy of note, as an indication of the democratic character of Bacon and his followers, that the right of suffrage was restored to all freemen by them in 1676, but their laws were repealed the next year. Hening, II, 356, 380.

[5] Debates in Va. Convention of 1829–30, p. 57.

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who were growing in numbers, wealth and influence. The convention of 1830 yielded to the pressure, and the new constitution extended the right of suffrage, though still with a property or tax qualification, to "white male citizens of the commonwealth."[1] All the discussions of this clause of the constitution deal with "free white men." There is no reference to the right of free colored men to the franchise; they seem not to have been considered at all in this connection.[2] The constitution of 1850 cut out the tax qualification and thus established, with certain requirements for residence, white manhood suffrage. In 1864 a convention of representatives from those parts of Virginia which were then within the Union lines framed a constitution which gave the franchise to white male citizens only. Negroes never voted in Virginia in the period from the Revolution to the Civil War.

This is not essentially different from the course of development in most of the other Southern states. Seven states besides Virginia — South Carolina, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas — limited the ballot to white men clearly and distinctly. The same was true of Georgia, under the constitution of 1777. The constitution of 1789, however, gave the franchise to "citizens and inhabitants," and this remained the law until 1865; but it is clear that the expression was never intended to include the free negro. The Georgia Code of 1851 forbade emancipation; forbade free negroes to come into the state; required those who were already there to be registered annually; and gave the clerk power to refuse certificates of registration.[3]

North Carolina, by the constitution of 1776, provided that every freeman with a freehold of fifty acres should vote for members of the state Senate, and that every freeman who had paid public taxes should vote for members of the House of Commons. The Tennessee constitution of 1796, probably under the influence of the North Carolina provision, gave the

[1] See Poore, Charters and Constitutions of the U. S.

[2] Debates, 42 *et seq.*

[3] A law which sold as slaves those who did not take out such certificates was repealed in 1824.

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ballot to all freeholders, but the constitution of 1834 restricted suffrage to white men.[1] This restriction no doubt had a reflex influence on North Carolina. We have seen that North Carolina had no law in 1776 establishing a color qualification for the ballot. But there is doubt as to whether or not the framers of the constitution of 1776 intended to include free negroes as a part of the freemen of the state. Mr. Daniel said in the convention of 1835 that the bill of rights was understood to apply only to free white men.[2] Mr. Macon said that free negroes were never known to vote before the Revolution, that they were never considered citizens, and did not exercise the privilege until many years after.[3] Mr. Gaston explained this as due to the fact that at the time of the Revolution there were very few free negroes, for there had been little emancipation. But, however this may have been, it is perfectly clear that they were considered citizens as early as 1778,[4] and that they enjoyed the suffrage up to 1835, when the constitution was changed. Before 1835 the supreme court had declared them citizens.[5] And later, in the case of the State *vs.* Manuel,[6] which came up in 1838, Judge Gaston said:

> Slaves manumitted here become freemen, and therefore, if born within North Carolina, are citizens of North Carolina, and all free persons born within the state are born citizens of the state. . . . The constitution extended the elective franchise to every freeman who had arrived at the age of twenty-one and paid a public tax; and it is a matter of universal notoriety that under it free persons, without regard to color, claimed and exercised the franchise, until it was taken away from free men of color a few years since by our amended constitution.[7]

[1] No man was excluded from the ballot for color if he was a competent witness against a white man. Unfortunately for us, the debates in this convention were never published. The arguments on this question would have been of great interest. There is nothing of service in the journal of the convention.

[2] Debates in Convention of 1835, p. 61. [3] *Ibid.*, 65–69.

[4] *Ibid.*, 352. [5] *Ibid.*, 357. [6] 4 Dev. & Bat., 25.

[7] The same court said in 1844, in the case of The State *vs.* Newsom, that this important case in 1838 was considered "with an anxiety and care worthy of the principle involved." See use made of this in Sumner's Works, VIII, 461, 462.

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So clearly established had the negro's right to vote become that many of the county clerks, in making their returns in 1833, failed to distinguish between black and white polls.[1] But the right was not uniformly exercised. In a number of counties negroes had never voted. In general, however, they had been allowed the franchise, and their numbers were considerable. In Halifax County there were three hundred colored voters, in Hertford one hundred and fifty, in Chowan fifty, in Pasquotank seventy-five. In some counties they held the balance of power, and Mr. Daniel remarks that he found, after thirty years' observation, that they uniformly voted for men of character and talent.[2] Their votes were eagerly sought for. "The opposing candidates, for the nonce oblivious of social distinction and intent only on catching votes, hobnobbed with the men and swung corners all with dusky damsels at election balls."[3]

The project to deprive the free negroes of the suffrage met with much opposition. This project was not the offspring of momentary caprice, but of a long pent-up feeling. In 1826 Bartlett Yancey had written Willie P. Mangum that there was hostility to free-negro suffrage in all the counties and in almost all the towns, and that this feeling was due largely to the work of colonization and abolition societies. But, on the other hand, it was urged in the North Carolina convention that some of those colored men, now to be disfranchised, had done service in the war of the Revolution. Some had taken the oath of allegiance. Some were freeholders, and these, with others, were taxpayers.[4] They had been accustomed to exercise the

[1] Debates in Convention of 1835, p. 30.

[2] *Ibid.*, 61, 69, 80, 353, 355. In Tennessee, Cave Johnson and John Bell said they were elected to Congress by the votes of colored persons (Sumner's Works, X, 192). In 1830 the free negro population of North Carolina was 19,543; of Tennessee, 4555. The North Carolina counties with a free negro population of more than 400 were: Beaufort, with 487; Brunswick, 408; Craven, 1003; Cumberland, 686; Granville, 759; Halifax, 2079; Hertford, 953; Northampton, 936; Orange, 619; Pasquotank, 1038; Robeson, 605; Wake, 833. Davidson, with 471, had the largest free negro population in Tennessee. Hawkins came next, with 386.

[3] Buxton, Reminiscences of the Bench and Fayetteville Bar.

[4] Debates, 61.

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right, and deprivation would now be a hardship. They would be useful as a counterpoise to the slaves, should the latter plot rebellion: for when the authorities of San Domingo in 1791 put free negroes for meritorious services, on the same footing as white men, it produced the happiest effect; but when the French government deprived them of this equality a few years later, it had the effect of throwing them into the ranks of the slaves.[1] The convention was quite evenly divided on the question, and the debates were very earnest. Various property limitations were suggested by way of compromise, but the outcome was the adoption of the provision excluding all negroes from the suffrage, by a vote of 66 to 61.

This was the end of negro suffrage in North Carolina and in the South until the days of Reconstruction.

It will be of interest to compare the conditions of suffrage in the North and West to see if these states were any more liberal than those in the South. Omitting the eleven Southern states under consideration, we can divide all the remaining states into three groups: (1) Those that never established a color qualification for the suffrage; (2) those that established such a qualification, but only at a relatively late date; (3) those which limited the suffrage to white men from the beginning.

1. Maine, in 1820, and Rhode Island, in 1842, granted the suffrage to male citizens of the United States. There is no mention of color, but negroes might have been excluded, on the ground that they were not citizens; for in 1833 Chief Justice Daggett, of Connecticut, charged that "slaves, free blacks and Indians" were not citizens within the meaning of section 2, article 4, of the federal constitution. This anticipated the Dred Scott decision.[2] There is no mention of color in the laws of Massachusetts, New Hampshire and Vermont. But New

[1] Debates, 354.

[2] Hurd, Law of Freedom and Bondage, II, 46. John F. Denny, of Pennsylvania, in his Inquiry into the Political Grade of the Free Colored Population under the Constitution of the United States, elaborately sustains the same view. The supreme court of Tennessee decided in 1838 that negroes were not citizens under the United States constitution (Kent, II, 301). On the other hand, see decision of the North Carolina supreme court, *ante*.

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Hampshire found it necessary in 1857, and Vermont in 1858, to enact that negroes should not be excluded from the ballot.

2. Of the second group Delaware introduced the color qualification in 1792; Kentucky, in 1799; Maryland, in 1809 and 1810;[1] Connecticut, in 1818; New Jersey, in 1820; and Pennsylvania, in 1838.

The right of the negro to vote was disputed under the old constitution of Pennsylvania prior to 1838. It was held that "freeman" was used in a political sense, that it did not mean one who was free of condition merely, and that a negro could not be in Pennsylvania a freeman in this sense. The supreme court, in Hobbs *vs.* Fogg, in 1837, declared that a negro or a mulatto was not entitled to vote.[2]

It is certain that negroes voted in the early years of Maryland. Evidence was given in the Baltimore county court about 1810, that a certain free black of that county had voted and had been allowed to give evidence in a case in which white persons were concerned. We hear of a free black who was accustomed to vote in Baltimore and did not know of the amendment of 1810 until his vote was challenged. It is said that he thereupon addressed the crowd about the polls "in a strain of true and passionate eloquence."[3]

New York made an honest effort to help the negro to the ballot. There was no color line in the constitution of 1777; but by a law enacted first in 1811 and reënacted in 1814, a negro, on offering to vote, had first to produce a certificate of freedom. The constitution of 1821 further differentiated between black and white electors, and enacted that no negro should vote unless he had been a citizen for three years, and had for a year possessed a freehold worth $250 above all encumbrances and had actually paid a tax on the same. In 1846, the question of equal suffrage for the two races was sub-

[1] It was provided in 1783 in Maryland that no colored person freed after that date, nor the issue of such, should vote.

[2] Kent, II, 301. Chief Justice Gibson, in delivering the opinion, credits the report of a decision in 1795, that negroes could not vote. Hurd, II, 70, 72.

[3] Brackett, The Negro in Maryland, 186.

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mitted to the people separately, in the shape of a constitutional amendment, and was rejected by 223,834 to 85,306. It met the same fate in 1860, by 337,984 to 197,503, and again in 1868, by 282,403 to 249,802.[1]

3. None of the other states and territories that had organized governments in 1861 had ever granted the ballot to the negro. This includes California, Colorado, Illinois, Indiana,[2] Iowa, Kansas, Michigan, Minnesota (which declares that "no member of this state shall be disfranchised" and then limits the ballot to "whites and persons of Indian or mixed white and Indian blood"), Missouri, Nebraska, Nevada, Ohio,[3] Oregon, Utah and Wisconsin.[4]

From this survey of the North and West, it is evident that few of the states that fought for the Union were then willing to grant suffrage to the negro on equal terms with the whites. Five of the New England states had granted him the privilege in form. It was not perfect even here, for Chanceller Kent says in the sixth edition of his commentaries, published in 1848, — and this statement is quoted with approval by Chief Justice Taney in the Dred Scott case, — that in no part of the country except Maine did the negro, in point of fact, participate equally with the whites in the exercise of civil and political rights.[5] The middle states had all ultimately withdrawn or restricted the right to vote. All the new Western states, including those where slavery was forbidden by the Ordinance of 1787, had refused the negro the suffrage. Some required negroes to be registered; one (Ohio) to give bond that they

[1] Poore, 1334, 1343, 1350, 1353; Hurd, II, 54, 55.

[2] Illinois by the constitution of 1848, and Indiana by that of 1851, forbade free negroes to migrate to the state and forbade masters to carry slaves into the state for the purpose of freeing them. These sections had previously formed part of the statute law.

[3] The privilege was not denied to those that were more than half white. In 1859 a law was passed requiring judges to reject the offered vote of a person "who has a distinct and visible admixture of African blood."

[4] Hurd, II, 122. A decision of the supreme court of Wisconsin made in 1866, in the case of Gillespie *vs.* Palmer, held that the right of suffrage had been extended to negroes in that state by the vote of the people at the general election held Nov. 6, 1849. Poore, 2022, 2030.

[5] Dred Scott decision, 22; so in Kent, 10th ed. (1860), II, 298.

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would not become a public charge; two (Indiana and Illinois) even forbade them to enter their borders and forbade masters to bring slaves there for the purpose of giving them freedom. Nor was this feeling of repugnance overcome by the war. In 1865 Connecticut gave a majority of 6272 against negro suffrage; in 1867 Ohio voted it down by 50,620, Kansas by 8923 and Minnesota by 1298.

III. *The Evolution of Negro Suffrage.*

White manhood suffrage was recognized in none of the original thirteen states in 1776. After the adoption of the Federal Constitution the tendency was steadily toward the extension of the franchise. But the South had not arrived at universal suffrage for white men in 1860. North Carolina (from 1854) and Georgia (from 1789) required the payment of taxes and Florida (from 1838) required military service, as prerequisites for voting. There was little thought of uniform suffrage for black and white in any part of the Union. Negro suffrage was one of the results of the war. The constitutional history of the Civil War is summarized in the thirteenth, fourteenth and fifteenth amendments, in which may be traced the gradual growth of the sentiment of the nation concerning slavery and the political rights of the negro. The victory of the federal armies sealed the fate of slavery, and this was expressed in the thirteenth amendment. The Republican victory in the elections of 1866 led to the incorporation of impartial or negro suffrage in the Reconstruction Acts; and the victory of the same party in 1868 led to the incorporation of impartial suffrage in the constitution. The fourteenth amendment advanced the negro to the status of a citizen, but did nothing affirmatively to confer the suffrage upon him; it aided him negatively by imposing a penalty on his exclusion. Nor did the fifteenth amendment give him the right to vote; it merely invested the citizen of the United States with the right to be exempt from discrimination in the exercise of the elective

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franchise, on account of his race, color or previous condition of servitude.[1]

Negro suffrage formed no part of the policy of the Republican Party on the abolition of slavery in 1865. The leaders of the party declared at that time that negro suffrage was unwise and dangerous.[2] In a speech at Richmond, Indiana, on September 29, 1865, Hon. Oliver P. Morton, in discussing the question, remarked that to say "men just emerged from slavery are qualified for the exercise of political power, is to make the strongest pro-slavery argument I ever heard. It is to pay the highest compliment to the institution of slavery."

There was no negro suffrage in President Lincoln's plan of reconstruction. His theory was that the relations of the insurrectionary states to the federal government were simply suspended by the war; that the states were never out of the Union and were always subject to the constitution. His business was simply to restore civil authority in them as soon as they ceased to fight. His theory left the question of suffrage entirely in the hands of those who were entitled to vote at the date of secession, and this was the view of his cabinet. To this policy President Johnson succeeded. President Lincoln a short while before his death had caused a bill to be prepared for the reconstruction of North Carolina. This identical bill was read in the first cabinet meeting after his death and was the basis of all of President Johnson's work.[3]

There was no negro suffrage in the Davis-Wade plan of reconstruction. It had always been a part of the Sumner and Stevens plans; but these men were in advance of their party. The sentiment of Congress, however, growing in opposition to the presidential and the Davis-Wade plans, became steadily stronger in its approval of "impartial suffrage" as a condition of the reconstruction and reorganization of government in the Southern states. In 1867 Stevens said:

[1] So the Supreme Court. *Cf.* 92 U. S. 214.

[2] See *North American Review*, cxxiii, 267.

[3] For the identity of the views of Lincoln and Johnson on this subject, *cf.* McCulloch, Men and Measures of Half a Century, 378 *et seq.*

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White union men are in a minority in each of those states. With them the blacks would act in a body, form a majority, control the states and protect themselves. It would insure the ascendency of the Union Party.

Sumner favored negro suffrage not only in the South but in other parts of the Union as well, and he avowed as frankly as Stevens the motives actuating him. He writes from the Senate chamber, April 20, 1867, to the editor of the *Independent:*

You wish to have the North "reconstructed," so at least that it shall cease to deny the elective franchise on account of color. But you postpone the day by insisting on the preliminary of a constitutional amendment. I know your vows to the good cause; but ask you to make haste. We cannot wait. . . . This question must be settled forthwith: in other words, it must be settled before the presidential election, which is at hand. Our colored fellow-citizens at the South are already electors. They will vote at the presidential election. But why should they vote at the South, and not at the North? The rule of justice is the same for both. Their votes are needed at the North as well as at the South. There are Northern states where their votes can make the good cause safe beyond question. There are other states where their votes will be like the last preponderant weight in the nicely balanced scales. Let our colored fellow-citizens vote in Maryland, and that state, now so severely tried, will be fixed for human rights forever. Let them vote in Pennsylvania, and you will give more than 20,000 votes to the Republican cause. Let them vote in New York, and the scales which hang so doubtful will incline to the Republican cause. It will be the same in Connecticut. . . . Enfranchisement, which is the corollary and complement of emancipation, must be a national act, also proceeding from the national government, and applicable to all the states.[1]

These views were clear-cut and to the point, but in 1865 the party was not yet ready to accept them. At the meeting of Congress in December of that year, Mr. Stevens introduced and had passed by both House and Senate a resolution

[1] Works, IX, 356. See also his letter in the same strain of October 29, 1865. *Ibid.*, IX, 500. The letter to Sumner from the negroes of Wilmington, N. C., April 29, 1865, is the first public expression of their interest in the suffrage.

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to provide for a joint committee of fifteen to report on the condition of "the states which formed the so-called Confederate States of America," and it was later agreed that no members should be admitted to Congress from the late insurrectionary states until the report of this committee had been finally acted on.[1] This gave time for the growth of the sentiment favoring negro suffrage, and the fourteenth amendment soon became an essential element in the plan of reconstruction by Congress. The first section was to overturn the still binding principle of the decision in the Dred Scott case, that negroes, even though emancipated, could never become citizens of the United States. Its other sections were intended to make it to the interest of the Southern states to allow the right of suffrage to the negro, and to encourage them to do so. The negro was made a citizen and was guaranteed the same rights as the white citizens, but the right to vote was not expressly granted to him. This amendment was passed by the Senate June 8, 1866, by a vote of 33 to 11, and by the House, June 13, by a vote of 138 to 36. It was rejected by Delaware, Kentucky and Maryland, was not acted on by California, and was rejected by Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas and Virginia, at their legislative sessions between November 9, 1866, and February 6, 1867.

Had the Southern states acted more prudently here, it is possible that many of the evils which followed might have been avoided in part, and negro suffrage itself might have been introduced not abruptly, but by degrees. But it was not natural for them to act otherwise than as they did, and the rejection of the amendment showed the utter impossibility of getting the ratification of the necessary three-fourths of the states so long as the Southern states remained *in statu quo*. It forced Congress to choose between the presidential policy and negro suffrage.

In February, 1867, an official effort, endorsed by the president, was made to induce the Southern legislatures to propose

[1] See Henry Wilson, History of Reconstruction.

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an amendment of their own. The plan included the amendment of the constitution of each state by giving the suffrage to all male citizens who could read and write and who owned taxable property worth $250. The amendment was offered in the legislatures of North Carolina and Alabama. Their refusal to consider it put an end to the effort. Besides this, the Vagrancy Laws and Black Codes had irritated many honest Northern men, who did not understand the situation and thought that an effort was making to reënslave the negro. The rank and file of the party were now fast coming to the position which Stevens and Sumner had long held.

Congress then went on with the work of reconstruction. December 13, 1866, Stevens had introduced a bill to reconstruct the government of North Carolina in which suffrage was given to males able to read and write. This never became law; but instead a general Reconstruction Act was passed, March 2, 1867. It declared the government of the Southern states provisional only until, among other conditions, the fourteenth amendment should be ratified, and new constitutions should be adopted, framed by "delegates elected by the male citizens of said state, twenty-one years old and upward, of whatever race, color or previous condition." Under this act Alabama in 1867, and North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Texas and Arkansas in 1868, held conventions chosen in accordance with the terms of the Reconstruction Act. These conventions, where, for the first time in the history of the Southern states, negroes sat in the same legislative halls with white men, framed constitutions providing for impartial suffrage and ratified the fourteenth amendment. It was proclaimed July 28, 1868.

The fourteenth amendment had only sought to stimulate the states to grant the suffrage to the negro. The fifteenth amendment deprived the states of the power to deny him the suffrage. It was proposed by Congress February 26, 1869; passed the Senate by a vote of 39 to 13, and the House by 144 to 44; was not acted on by Tennessee; was rejected by California, Delaware, Kentucky, Maryland, New Jersey, Oregon, and

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by New York, which first ratified and then rescinded her ratification; was finally ratified by twenty-nine states; and was declared in force March 30, 1870.[1] Negro suffrage thus became a part of the organic law of the nation. President Grant, in announcing its ratification to Congress, spoke of it as "a measure which makes at once four millions of people voters." This, however, was not the case; the negro had been a voter in the South since 1867. His voting had been made a prerequisite to the readmission of the late insurrectionary states into the Union. His ballot had helped to choose the legislators who voted to adopt the fourteenth and fifteenth amendments. He was permitted (strangely enough) to assist in making the very law under which he was to exercise the right of suffrage!

Justice Hunt, in the case of United States *vs.* Reese, has given what may be termed the personal reasons for the existence of the fifteenth amendment: (1) That the franchise would benefit the colored race by giving them importance, securing to them respect, protecting them against unfriendly action or legislation; and (2) that its exercise would be to them an educational process of the highest importance, not only inciting them to prepare themselves for the duties of citizenship, but accustoming them to the practical performance of such duties.[2] To these reasons Judge Cooley adds what he calls public grounds: (1) That unless the ballot had been given to the freedmen, the government of the Southern states must for a considerable time have been in the hands of those lately in rebellion, who might be expected not to cöoperate in government heartily with those from whom they had tried to break away; and (2) that the existence in a political community of a great body of citizens against

[1] It is by no means true to say that this amendment was repudiated by the whole body of the Southern whites. In 1869 the white people of Mississippi voted unanimously in favor of its ratification; for they believed that when the negro was once made a free man, a property-holder and a taxpayer, he could not be excluded from the remaining privilege and duty of a citizen, the right and obligation to vote. L. Q. C. Lamar, in *North American Review*, cxxviii, 231.

[2] 92 U. S. 214, 217.

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whom the laws discriminate in a particular which makes the discrimination a stigma and a disgrace, must always be an occasion of discontent, disorder and danger.[1]

IV. *Negro Rule and its Results.*

When the war ended and the negro and his quondam master returned to their old homes, there was in most cases a quiet acquiescence in the new order of things. The negro, thanks to two hundred and fifty years of servitude, was docile, and was not in many cases disposed to put himself forward beyond the sphere in which he had been accustomed to move. His greatest ambition was manifested in his new desire for churches and schools. So natural and proper did this seem, that the old planter, on reorganizing his estate, was willing to assume in the contract the obligation to maintain these institutions. But this fraternal relation was changed upon the acquisition of the ballot by the negro. The national Congress might make these freedmen voters, but it could not make them intelligent voters. They became the prey of adventurers. Agents of the Freedman's Bureau, military officers, retired soldiers from negro regiments, small traders in articles of negro luxury, — all that class of adventurers who are summed up in the meaning word "carpet-bagger," began to swarm over the South. The Union League and the Loyal League were organized, and the cry of "forty acres and a mule" was abroad in the land. From pulpit and platform, from press and teacher's desk the negro was taught to hate his late master as the worst enemy of his race.

The natural and inevitable results were soon apparent. The negroes hung together as one man and were completely subservient to the will of the demagogue, "carpetbagger" or "scallawag," as the case might be. The Southern whites had been disfranchised; the adventurers then got the big offices; the negroes got the little ones. In November, 1874, there were in South Carolina alone two hundred negro trial justices who

[1] Principles of Constitutional Law, 264, 265.

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could neither read nor write. There were negro school commissioners equally ignorant at a thousand a year; while negro juries, deciding delicate points of legal evidence, settled questions involving the lives and property of their late masters. Property, which had to bear the burden of taxation, had no voice; for the colored man had no property and the business of the carpet-bagger was office-holding. Taxes were levied ruinously; money was appropriated with a lavish hand. The history of one state is the history of all.

The public debt of Alabama was increased between 1868 and 1874 from $8,356,083.51 to $25,503,593.30. A large part of this went for illegitimate expenses of the legislature; much more was in the form of help to railroads; much went into the hands of legislators and officers; little was returned to the people in any form. In 1871 the Louisiana legislature made an over-issue of state warrants to the extent of $200,000; some of these were sold at two and a half cents on the dollar and redeemed at par. In 1873 the tax levy in New Orleans was three per cent, and four and a half years of Republican rule cost Louisiana 106 millions. Clark County, Arkansas, was left with a debt of $300,000 and $500 worth of improvements to show for it; Chicot County spent $400,000 with nothing in return; and Pulaski County a million. County and school scrip was worth ten to thirty cents on the dollar, and state scrip with five per cent interest brought only twenty-five cents. The debt of Tennessee for railroads and turnpikes was increased by $16,000,000, and these bonds with six per cent interest were sold at from seventeen to forty cents on the dollar; state bonds were practically valueless. In Nashville, when there was no currency in the treasury, checks were drawn, often in the name of fictitious persons, made payable to bearer, and sold by the ring to note-shavers for what they would bring. Warrants on the Texas treasury brought forty-five cents. In 1869 the state tax on real estate in Mississippi was ten cents on the hundred; in 1874 it was $1.40. In 1860 the expenses of the Florida legislature were $17,000; in 1869 they were $67,000. Bonds to the amount of $4,000,-

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000, which this state issued to subsidize railroads, were marketed at fifty cents. The debt of Georgia was increased $13,000,000 during the two years of Governor Bullock. In 1868 the legislature of North Carolina in less than four months authorized the issue of more than $25,000,000 in bonds, principally for railroads; $14,000,000 were issued, and sold at from nine to forty-five cents on the dollar; but not a mile of road was built. The counties began to exploit their credit in the same way, and some of the wealthier had their scrip hawked about at ten cents on the dollar.[1]

But it was in South Carolina that this flood of iniquity reached its highest. Mr. James S. Pike, a Republican and an original Abolitionist, writing the history of reconstruction in South Carolina from what he saw and heard in the South Carolina legislature in February and March, 1873, divides the frauds committed, or in operation, into eight classes: (1) Those relating to the state debt; (2) frauds in the purchase of lands for the freedmen; (3) railroad frauds; (4) election frauds; (5) frauds practiced in the redemption of the notes of the Bank of South Carolina; (6) census fraud; (7) fraud in furnishing the legislative chamber; (8) general legislative corruption. The seventh and eighth classes seem to have been among the most fruitful sources of evil. The joint investigating committee appointed in 1877 found that almost everything used by civilized man had been charged up to the state, under the expansive term "supplies." The vouchers for these supplies include English tapestry, Brussels carpeting, English velvet door mats, English oilcloths, French velvets, silk damask, Irish linens, billiard-tablecloths, woolen blankets, ladies' hoods, ribbons, crêpe, scissors, skirt braid and pins, toothbrushes, hooks and eyes, boulevard skirts, bustles, chignons, palpitators, garters, chemises, parasols, gold watches and chains, gold jewelry, diamond rings, diamond pins, knives and forks, pocket pistols, horses, mules, harness, buggies and carriages. Senator Hampton says that this is hardly a tenth part of the list.[2]

[1] Why the Solid South? *passim.*

[2] Wade Hampton in *The Forum*, June, 1888.

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The negro did not inaugurate this régime. In the first place, after he obtained the ballot, he was deserted in many cases by his late master, who should have been his guide and friend. He was thus left to learn the lesson of political life the best he could. It was at this juncture that the adventurers came in. They were in most cases unidentified with the community in interest, habit or sympathy. They found the negro adrift, captured him, used him for their own purposes and divided the spoils with him.

In some cases the negro himself began to revolt from this new slavery to men "who exercised power without right or merit, and amassed wealth without labor," who controlled his vote in the interest of a single party, and taught him that to scratch a name on that party's ticket was a sin little short of damnation. Hon. H. R. Revels, who represented Mississippi in the Senate of the United States, wrote President Grant :

> Since reconstruction, the masses of my people have been, as it were, enslaved in mind to unprincipled adventurers, who, caring nothing for the country, were willing to stoop to anything, no matter how infamous, to secure power to themselves and perpetuate it. My people are naturally Republicans, but, as they grow older in freedom, so do they grow in wisdom. A great portion of them have learned that they are being used as mere tools, and, as in the late elections [in Mississippi], not being able to correct the existing evil among themselves, they determined by casting their ballots against these unprincipled adventurers to overthrow them.[1]

It was largely because of the lack of education and political experience that the negro thus became the tool and instrument of all sorts of frauds. Then began in the South the era of the theft of ballot-boxes, stuffing of ballot-boxes, certification, exchanging, removing of polls to unknown or unfrequented places, counting out, doctoring, repeating, erasing names from registration books, illegal arrests before the day of election and throwing out returns. Whatever lessons the Democrats may have learned later in these matters, their teaching came from the early reconstruction days. These things were unknown

[1] See T. A. Hendricks in *North American Review*, cxxviii, 343.

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before the war. The reconstructionist was hoist by his own petard.

The adventurers sowed the seeds of their own destruction in another way. They fused the white elements into a single body. The old antithesis of Whiggery and Democracy was still strong in the South; the opposition between original secessionist and unionist had not disappeared, and the lines of division were clear until the pressure of reconstruction was felt. Then old enmities were lost in the struggle against the new enemy. White men have made the South "solid," not for Democracy, but against the negro. Southern men are Democrats because an ethnic whip is continually cracked over their shoulders. During the campaign of 1888 a negro paper of Goldsboro, N. C., said that any negro who voted the Democratic ticket should be struck thirty lashes. "In the name of high heaven, how many lashes does the white man who votes the Republican ticket deserve?" was the Democratic answer.

V. *The Present Status of Negro Suffrage.*

The year 1876 marks the end of reconstruction. Virginia, North Carolina, Georgia and Tennessee were redeemed from negro rule in 1870; Texas in 1873; Alabama and Arkansas in 1874; Mississippi in 1875; and the centennial year of American independence saw order restored in South Carolina, Florida and Louisiana. Since then these states have been Democratic. We have now to see what action has been taken by them in the matter of limiting the franchise.

There have been in most of the Southern states two constitutions since the war. The first set were the work of the reconstructionists; the latter were the work of the native whites. The first gave the suffrage to all adult males except such as were disfranchised for crime or because of mental incapacity; but many classes of Confederates were disfranchised by a stringent test oath, and the votes of those who could take the oath were often thrown out in the unceremonious fashion already referred to. The constitution of Georgia

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refused the suffrage to any one who had not paid his taxes, and the constitution of Florida provided for an educational qualification after 1880. On the other hand, the Mississippi constitution of 1868 forbade that any property or educational qualification for suffrage should be demanded of her citizens prior to 1885. Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina and South Carolina required a registration of voters of some kind, but very lax, and of little importance. No registration was required in Texas; nor did Arkansas and Texas require it under their revised constitutions of 1874 and 1876 respectively.

Various miscellaneous provisions which have been made from time to time in different states regulating the ballot, but which can in no wise be construed as a limitation on the right of the negro, are omitted from consideration here. That a practical limitation may be the result of legislation to which, on the face of it, no possible odium can attach, may be seen in the working of the rule by which all the Southern states — probably most of the United States — disfranchise persons guilty of infamous crimes. This term covers anything from murder to petit larceny. In the North Carolina gubernatorial election in 1888, the majority for Fowle, the Democratic candidate, was only 14,450 over Dockery, his Republican opponent. We have no exact figures of the numbers disfranchised as criminals in North Carolina, but we can approximate it from a publication of the Democratic state executive committee in 1888. This publication contains lists of ex-convicts from fifty-eight of the ninety-six counties. In nine of these fifty-eight the color of the ex-convicts is not specified. In the other forty-nine there are registered 2969 colored ex-convicts. If we assume that this represents half of the convict population of color, the number of colored voters is diminished between five and six thousand. This is obviously an important fact in a close state, where the white vote is slightly in the majority, but which might, for temporary causes, be in danger of falling under negro rule. The law in this case is doubtless abused at times in the interest of the ruling race.

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The methods through which it is sought legally to nullify and restrict the negro vote may be classified under four principal divisions: 1. By centralization; 2. By the requirement that taxes be paid before voting; 3. By great complexity in the election laws, which serves indirectly as an educational test; 4. By an express educational qualification.

1. In North Carolina negro majorities are overcome by centralization. The state as a whole is safely Democratic. Accordingly the legislature elects the justices of the peace for all the counties, and these justices in turn elect the boards of county commissioners. The other county officers are chosen by the electors. This system is anything but democratic, but it results in keeping the county funds entirely in the hands of the more conservative and better element of the population. It is displeasing to the western counties, where there is a large white majority, but they bear it for the sake of preserving the eastern part of the state from a return of reconstruction conditions. There is a somewhat similar plan of local government in Louisiana.

2. Six states have tried the requirement of taxes. In Virginia a constitutional amendment in 1876 required the payment of a poll tax as a prerequisite to voting, but this was repealed in 1881–82. It was found to stimulate wholesale bribery in elections. That party which had the most money could pay the most capitation taxes and secure the most votes. Through the aid of rich Republicans in the North the taxes of the negroes were more generally paid than those of the whites.

Arkansas adopted an amendment to her constitution in 1892 requiring a poll-tax receipt as a prerequisite to voting. This has simplified the matter in that state. The law works well, and the negro vote is said to be practically eliminated. How it would be if the whites should be divided, as in South Carolina, yet remains to be seen. A poll tax was also required in Florida under the constitution of 1885, and in Mississippi under that of 1890.

The experience of Tennessee in the matter of negro suffrage and the tax requirement has been varied. The strong minority

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which opposed negro suffrage in the convention of 1870, though they failed in their main purpose, nevertheless succeeded in securing a requirement of poll tax. But this proved unsatisfactory. In 1871 a law was passed under which no proof of payment for the year 1872 was to be required. In 1873 the tax requirement was repealed entirely. At the extra session of 1890 the poll tax qualification was again enacted, and in 1891 this law was so amended that the original poll-tax receipt, or a duly certified duplicate, or an affidavit that the voter had paid his poll tax and the receipt "is lost or misplaced," was required as preliminary to voting. This law also bars out the person who disposes of his receipt for any valuable consideration.

Georgia seems to have been more successful in the requirement of taxes than any other state. This was put into the constitution in 1789, and has been uniformly maintained since then. In 1887 Senator Colquitt said in *The Forum* that the tax qualification had operated with important effect on the colored voters, and that the number of defaulting colored taxpayers was becoming larger each year.

3. The method most in favor in the South for limiting the negro vote is through intricate registration and election laws. These vary in different states, and have been changed from time to time in the same state. They may be divided roughly into two classes, as the so-called Australian system prevails or not. Some form of this system obtains in Alabama, Arkansas, Mississippi, Tennessee and Virginia. It does not obtain in Florida, Georgia, Louisiana, North Carolina, South Carolina and Texas. The laws of these latter states represent the older ideas, are less successful and less just than the others, and little can be said in their defense. But, as we have already seen, North Carolina partly escapes from the trouble by centralization; Georgia and Florida have a tax requirement; there is hardly a negro problem in Texas, except in a few of the eastern counties; and Louisiana is now striving for a new law requiring both taxes and education. It is in South Carolina, and to a less extent in Florida and Virginia, that registration is depended on to solve the difficulty.

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Under the present law in Florida the books for registration must be closed on the second Saturday in September. Each elector, on being registered, is furnished with a certificate, numbered in each district consecutively. This must "contain a statement of the full name, age, color, height, occupation, place of residence and date of registration as entered in the registration books, which certificate shall be signed by the registration officer." No person is allowed to vote save in the district in which he is registered,

> nor shall any person whose name does not appear upon the registration books be allowed to vote unless he produces and exhibits his certificate of registration to the managers of election; and he shall not then be allowed to vote unless the certificate of registration which he exhibits shall satisfactorily identify him to the managers of the election.

Certificates can be renewed when defaced by surrendering the old, or when lost, by establishing proof of loss. To do this the voter must state the "facts of his former registration and of such loss, and that he has not sold, bartered or parted with his certificate for any pecuniary or other valuable consideration." If an elector removes from one residence to another in the same district, or from one district to another in the same county, he is to notify the supervisor of registration, surrender his certificate and receive a certificate of transfer of registration, and without this certificate of transfer he cannot vote. If an excess of votes is found, the excess over the registered number of voters is to be taken out and destroyed.

In South Carolina, where the evil of negro numbers is greatest, the laws are most complex. Under the statutes of 1882 there is for each office a special ballot, the size and character of which are minutely prescribed. There are eight ballot boxes, and the office for which each is intended is written on it; these names are to be read aloud to the elector, at his request, by the managers; no one else can speak to him while he is in the polling room; the ballot must be inserted by his own hand, and no ballot is counted if found in the wrong box. If more ballots are found in the box than there are names on

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the poll list, the ballots are returned to the box, thoroughly mixed together, and one of the managers or the clerk withdraws from the box and immediately destroys the excess of the ballots over the number of voters. Registration is required and is confined to three days. The registration books are closed on the first day of July. A certificate of registration is also required, and the person can vote only when this certificate is produced. If the elector removes from one residence to another in the same precinct, he must surrender the old certificate and get a new one. This has to be done also when he removes from one precinct to another, or from one county to another. By a law passed in 1883, if a certificate is lost, it may be replaced, provided it has not been disposed of for any valuable consideration. In 1885, when a new law established some new polling places, changed the locality of the old ones, *etc.*, the old certificates had to be surrendered and new ones obtained.

It will be noticed that the complexities of these laws are enough to confuse a mind better trained than that of the average negro. To him they are, for the most part, beyond comprehension. It is said that as soon as the ignorant voters began to understand the arrangement of the boxes, the boxes were shuffled, and many votes were lost before the order was again unraveled. It will be seen, also, that the registration books are closed on the first of July, while the voter has to present his registration certificate on voting day. Now, a negro is not used to preserving papers; it frequently happens, therefore, that the certificates are lost or worn out, and they can be renewed only under certain limitations. It is said that in a certain section the negroes took their certificates to their preacher for safe keeping; he promised to put them into a box and preserve them until needed. He put them into the box, but a few days before election the Democrats hired him to go over to Georgia and take this box with him. Another story is told, but I am unable to vouch for its truth. Some years ago Barnum appeared in South Carolina with his circus. Under instruction from the Democrats he advertised that the admission

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fee was fifty cents or a registration certificate. The negroes, acting on the theory that a circus to-day is better than a vote next week, handed over their certificates and saw the show. When election day came, the fact that they had registered was disputed by no one, but they could not prove that the certificates had been lost, and hence they were legally disfranchised.

The laws of Alabama, Arkansas, Mississippi, Tennessee and, in part, Virginia, embody the best elements of the reform ballot law in the South. They all reproduce essential features of the Australian system and these provisions act more or less distinctly as an educational qualification.

In 1893, Alabama enacted what is known as the Sayre Election Law. It was framed in answer to a demand that some method be devised by which the necessity of suppressing any part of the vote might be obviated; it disfranchises no one, and it is rather significant that the bitterest opposition to it has come from the Populists. It is modeled largely on the election laws which have been recently enacted in other Southern states. The registration feature comes from Tennessee, while many parts are taken from the new Arkansas law. In Alabama registration can be made only in May, and within the precinct or ward where the vote is to be cast. There is one ticket for all candidates, and the names are arranged alphabetically, without distinction of party, under the respective offices. The voter enters the booth and marks his ballot without assistance; if unable to do this, he may call one of the managers of election to his aid. No time longer than five minutes is allowed for voting, and an ignorant voter can tell the assistant the way he wishes to vote only when all others have withdrawn from the polling place. In addition to this, the voter has in all cases to show his certificate of registration. The provision in regard to ignorant voters has been variously interpreted in different localities. In some cases the assistant is allowed to mark the ballot after the voter has expressed merely his party preference; in other cases the voter is required to name each person for whom he wishes to vote. The possibilities of the latter requirement as an intelligence test are obvious.

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The Arkansas law of 1891 is very much like that of Alabama, and was one of the originals on which the latter was based. It requires no registration, but a poll-tax receipt instead. The names of all candidates are printed on a general ticket without regard to party or alphabetical order, and these tickets are numbered as voted. They can be obtained only from the judges of election within the polling place. The voter is then required to retire to a booth, and is allowed five minutes to prepare his vote by scratching, erasing or crossing out all names not wanted. No one can help him to do this except the judges of election, who are of different political parties. If necessary, the ignorant voter can call two of these to his assistance, and they will prepare his ballot for him; but before he is allowed to tell them how he wishes to vote it is necessary that all electors, including those in the booths, retire from the polling room. In precincts where there are more than one hundred voters the races are required to vote alternately. It may happen that in large negro precincts some are excluded for lack of time, but in no other way can hardship come to the negro. Some ten or twelve counties in the southern and eastern part of the state gave considerable trouble because of their negro population. But this has been settled by the new law. An Arkansas official says that it "virtually lifts from us the black cloud of negro domination." And again he says: "The law works smoothly, quietly, satisfactorily, beautifully, and I pray God every Southern state may soon have one like it."

Tennessee has made some advance toward the Australian ballot, but the results are limited because the law of 1890 is made applicable only to counties with 70,000 inhabitants, and to cities with 9000. The registration law of 1890 applies to counties with 70,000 inhabitants and to "towns, cities and civil districts" of 2500. The registration certificate must tell the name and color of the elector, the ward or district in which he resides and the election in which he is qualified to vote, and must be presented at the ballot box. The law when put into operation is not essentially different from those of Alabama and Arkansas, except that there is less provision for the ignorant voter.

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> The registrar shall upon the demand of any voter . . . give to such voter a correct statement of the order in which the titles of the various offices to be filled stand upon the particular ballot furnished to such voter.

With only this provision for aid at the polls, and with stringent tax and registration requirements, there is little chance for the ignorant man.

To these three states we must add Virginia, which passed a new ballot law in March, 1894. The former Virginia law was bad, having come down from the reconstruction days of 1869–70. The Walton Law, which went into effect July 1, 1894, provides for a blanket ballot, containing the names of all the candidates to be voted for, printed below the office they seek. Booths are provided, but no person can occupy one more than two and a half minutes if other voters are waiting. This law deals more tenderly with the ignorant voter than the Tennessee law. It provides that a special constable shall assist the ignorant voter by "reading the names and offices on the ballot, and pointing out to him the name or names he may wish to strike out, or otherwise aid him in preparing his ballot." From the educational standpoint this law is a failure, and the deficiency is only partly covered by the heavy requirements in the matter of registration when the voter changes his residence, and when the limits of registration precincts are changed or new ones made.

4. The educational qualification, *eo nomine*, has been tried only to a limited extent. It was provided in the Florida constitution of 1868 that there should be such a qualification after 1880, but the provision was not carried out, and there is no mention of it in the constitution of 1885. The reason for the general hesitation in making such a qualification is not far to seek. It would exclude many white Democrats, and the fear of the loss of votes has caused the party to hesitate. The only state to appeal directly and successfully to the intelligence test has been Mississippi. This state also makes use of the Australian ballot, but this phase is less important than the educational requirement. The experience of Mississippi during the

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reconstruction period was probably the stormiest of all the Southern states. This was because the negro population was largely in excess of the white, the census of 1870 giving 444,201 blacks against 382,896 whites, and because the legislators were not as prudent as they might have been in the period just following the war. The state was finally reconstructed, and the constitution of 1868 provided that no property or educational qualification should be required previous to 1885. But notwithstanding these provisions, the white men of the state, by various means which cannot be enumerated here, sometimes illegal and harsh, but necessary, as it was thought, to preserve state life, obtained control of affairs, and the negro vote was largely suppressed. As far as practicality was concerned there was no need of any change in the situation thus produced. But the people felt an earnest and growing desire to devise a legal and just system of eliminating the negro vote. The constitutional convention of 1890, called to settle this matter, labored under one disadvantage. By the terms of the Congressional act under which Mississippi was restored to normal relations with the Union it was provided that the state's constitution should

> never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized, except as a punishment for such crimes as are felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said state.

If this act was valid, if this condition remained binding, there could be no action in the matter at all. But the judiciary committee argued justly that no action of Congress can deprive one state of the equality it enjoys with other states under the Federal Constitution. They were then at liberty to act in the matter of establishing limitations.

Many propositions were made, and very serious consideration was given to one which bestowed the franchise on women, subject to a property qualification in addition to the regular

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qualifications of men. But this was ultimately abandoned and an educational test was adopted in its place. The new constitution requires a residence of two years in the state, and one in the district, registration four months before the election, the payment of all taxes for the last two years, and further, that

> on and after the first day of January, A.D. 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this state; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof.

There was but one negro in the convention. This was Isaiah Thornton Montgomery, of Bolivar County. He had expressed himself in favor of such an amendment as this while canvassing for election; he was elected by a negro constituency and can therefore be considered as representing their feelings on the question. He was a member of the committee on franchise. He favored the amendment while in committee; when it came before the house he delivered a remarkable speech in support of it, embodying an eloquent plea for peace and harmony between the races — a tender of the olive branch from the black man to the white. The amendment was passed and all parties have acquiesced in its enforcement. There is no longer a "negro problem" in Mississippi. The census of 1890 gives the state a white population of 544,851, and a negro population of 744,749. On the usual proportion of one in five, we have about 109,000 whites and 149,000 negroes of voting age. Mr. Montgomery estimates that the law disfranchises two-thirds of the blacks and only one-eleventh of the whites. In practice the number of negroes disfranchised is much larger than this.

The Mississippi law has proved itself, thus far, a success. It remains to be seen what the influence of such a law will be as a spur to the negro in the pursuit of an education. It is usually claimed that such laws drive him to greater efforts, while they do not have the same influence on the whites. But it is possible that this may be the ultimate solution of the

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Southern problem. The Southern states are slowly but surely forging ahead in matters of education. They are improving both the quantity and the quality of their schools. If the negro improves intellectually and becomes a better citizen, this will in itself bring relief from most of the evils which the Southern people have found in negro suffrage.

The experience of Mississippi is also beginning to make itself felt in other states. Louisiana passed a single ballot law in 1882, under which registration was required, and the certificate of registration had to be produced before voting, as in South Carolina. Within the present year a committee has been appointed to revise the section of the state constitution concerning the qualifications of electors. This committee has adopted an amendment which, after stating the requirements in respect to age, residence, registration, *etc.*, provides that the elector

> shall have paid his poll tax for the year next preceding the election; he shall be able to read the constitution of the state in his mother tongue, or shall be the *bona fide* owner of property, real or personal, located in this state and assessed to him for the year next preceding the election at a cash valuation of not less than $200.

To summarize: the laws of Alabama, Arkansas, Mississippi and Tennessee embody the principle of education, and have much to commend them. These, together with Virginia, have adopted an Australian ballot, although the educational feature has been left out of the Virginia law. Georgia, Florida, Arkansas, Mississippi and Tennessee require taxes. There is little in the laws of North and South Carolina, Louisiana and Texas to commend them. Louisiana is moving for a reform. This will probably come in North Carolina; for the present law is roundly denounced by Republicans and Populists, particularly the registration feature. South Carolina will be driven to a revision; for, having completely eliminated the negro from the problem, the whites are now trying the laws on each other. During the last campaign Senator Butler is reported to have said that if he should be defeated for reëlection by Governor Tillman,

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he would contest the matter before the United States Senate on the ground that the registration laws of the state were unconstitutional, and that if a full vote could have been polled, his candidates would have been elected to the state legislature. The law cannot live long in the present political atmosphere of South Carolina. It is possible that revision and reform may come in some of the other states. The Southern people desire to relieve themselves from the necessity of using either force or fraud. They recognize that both weaken the moral sense and corrupt the body politic. They know that when the negro has been eliminated, as in South Carolina, the same machinery will be used by the party in power against the the white opposition; that this is already being done, is alleged in South Carolina by the "Straight" Democrats, and in North Carolina and Alabama by the Populists.

In seeking to employ the poll tax in escaping from their unpleasant situation, the Southern people have comfort in the opinion of Judge Cooley, when he says: "To demand the payment of a capitation tax is no denial of suffrage; it is demanding only the preliminary performance of public duty."[1] The five Southern states are not alone in making such a demand. Delaware, Pennsylvania, Rhode Island, New Hampshire, all require taxes. Nor is the requirement of an educational qualification a denial of suffrage; for "ability to read is something within the power of any man," and only makes him more able to fulfill his civic duties. On the other hand, unrestricted suffrage "robs intelligence and virtue of a natural right. Intelligence and virtue are disfranchised. Ignorance and intelligence, vice and virtue, are clothed with equal power"; and Wendell Phillips himself, when advocating negro suffrage in 1865, admitted the righteousness of property and educational qualifications. Connecticut set the example in this respect as long ago as 1855, when it required all voters to be able to read the constitution and the statutes. This was the first requirement of the kind incorporated into a state constitution. Massachusetts made a similar requirement in

[1] Principles of Constitutional Law, 263, 264.

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1857. The Missouri constitution of 1865 said all voters should be able to read and write after January 1, 1876. Maine adopted a similar amendment in November, 1892. In his message to Congress on December 7, 1875, President Grant urged the promotion of schools, and proposed that all voters who could not read and write after 1890 should be disfranchised. It is no unheard-of principle that has been adopted by Mississippi in 1890 and Louisiana in 1894.

It would seem that reform is already coming in Alabama under the new law, although the cry of fraud is raised by the opposition; for the returns of late elections show that the Democratic majorities come no longer from the white but from the black counties, and so well recognized has this been that the counties of the black belt, while formerly all in one Congressional district, have now been distributed among seven of the nine districts of the state. This union of the negroes with the more influential and intelligent whites, if permanent, will profoundly modify the race question, and it gives the combination best able to solve this problem.

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THE REVISION OF THE BELGIAN CONSTITUTION IN 1893.

THE constitution which had governed the Kingdom of Belgium since February 7, 1831, and which in the meantime had not undergone the slightest change, was subjected in 1893[1] to a revision of the most serious sort. The reform is undoubtedly the most important event that has occurred in Belgium since this country won the position of an independent state. It is difficult at present to forecast the various consequences which changes of so fundamental a character will necessarily entail, but it is safe to say that in the near future they will transform the conditions of political life in Belgium.

The nature of the reform may best be indicated by saying that it substitutes a democratic for an oligarchic system, or, more precisely, that it puts an end to the rule of the middle class and inaugurates the rule of the people. Although the revision has touched a number of distinct matters, the changes introduced into the composition of the electoral body are of such preponderant interest as to make the other innovations appear relatively insignificant. Belgium has 6,000,000 inhabitants. Before the revision it had but 135,000 voters. In consequence of the revision it will have 1,300,000 voters. The impression produced by these figures, however, requires certain modifications, the nature and importance of which will be indicated later.

The revision of 1893 was accomplished, on the whole, in a peaceful manner. But it was not carried through without trouble, and there were moments when the situation was decidedly critical. There are certain points in the history of the movement which, I think, deserve attention.

[1] The amendments to the constitution of 1831 were proclaimed as in force September 9, 1893.

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I.

Belgium became an independent state in 1830, by breaking the bonds which united it to Holland. Its union with Holland, which lasted from 1814 to 1830, was the last epoch in a political history full of vicissitudes. Since 1713, not to go further back, Belgium was governed by the princes of the Austrian house. The "Austrian Netherlands" were an agglomeration of distinct states, organized on very similar lines, possessing a few common institutions, and forming from the point of view of international law an indivisible whole. The Bishopric of Liège was not a part of the Austrian Netherlands: this ecclesiastical principality belonged to the German Empire. The rule of Austria was followed by that of France. By the decree of the 9th Vendémiaire of the year IV (October 1, 1795), the Convention united the Netherlands and the Bishopric of Liège to the French Republic. It was during the union with France that the existing territorial sub-divisions of Belgium — its provinces and communes — were established. After the overthrow of Napoleon in 1814, Belgium was annexed to Holland; the two countries forming a single state. A "fundamental law," promulgated in 1815 by the new sovereign, King William of Orange, introduced into Belgium the constitutional form of government. It was not long before the union with Holland aroused in the minds of the Belgian people a lively discontent. Among the grounds of discord may be mentioned the difference of religion, the difference of language and the irritation caused by King William's absolutist policy. The Paris revolution of July, 1830, excited a corresponding movement in Belgium. In September, 1830, a successful uprising put an end to the union with Holland. A National Congress which assembled in Brussels, November 12, 1830, and acted in the name of the Belgian people, proclaimed the independence of Belgium, issued the constitution of February 7, 1831, and called to the throne Prince Leopold of Saxe-Coburg, the father of the present king. After long negotiations, the treaties of November 15, 1831, and April 19, 1839, gave the sanction of

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international law to the new position assumed by Belgium, and conferred upon it the character of a perpetually neutral state. Its neutrality is guaranteed by the five great signatory powers, Austria, France, Great Britain, Prussia and Russia.

Returning to the constitution of 1831, we have to examine more particularly those provisions which established the electoral system under which Belgium has so long been governed. The legislative body was composed of two chambers, the Senate and the Chamber of Representatives, both chosen by the same electors. To be an elector it was necessary, according to article 47, to pay in taxes a sum which was to be fixed by legislative enactment. The constitution, however, established certain limits, above and below which the legislature could not go. The electoral qualification was not to exceed 100 florins of direct taxes, nor to be less than 20 florins. These sums correspond, respectively, to 211.60 francs and 42.32 francs. In admitting a minimum qualification of forty-two francs and thirty-two centimes, the National Congress believed, in all sincerity, that it had shown great generosity toward the people. It was not thought likely that the legislature would ever be inclined to reduce the qualification to this point. The Congress itself had been chosen by an electorate which included but 44,000 voters in a population of about 4,000,000. Down to 1848 the qualification remained quite high. It was generally about 30 florins in the country districts, and in the large cities it rose to 80 florins.

The Paris revolution of February, 1848 — the revolution in which the constitutional monarchy of Louis Philippe went down — moved the Belgian middle class to make an immediate and considerable concession to democracy. On the 28th of February the ministry introduced a bill lowering the electoral qualification to the minimum fixed by the constitution. The amount was to be the same in the cities and in the rural districts. In this fashion the limit established by the constitution was reached much more promptly, beyond a doubt, than the authors of the constitution had expected in 1831. No further extension of the suffrage was now possible, save by the

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more or less difficult and dangerous method of constitutional revision.

At this point a further explanation is necessary. The articles of the constitution which we have thus far considered were applicable only to the "general electors," *i.e.*, to the electors who voted for senators and representatives. They were not applicable to the electors who chose the nine provincial councils (*conseils provinciaux*) and the 2600 communal councils (*conseils communaux*) of the kingdom. The members of all these councils are chosen by direct election, but as far as they were concerned, the constitution of 1831 prescribed no electoral qualifications. In this field, therefore, the legislature was able to establish, and did establish, a much more democratic system than that which prevailed in the election of its own members. Provincial suffrage was given to all those who paid twenty francs in direct taxes, communal suffrage to those paying ten francs. To these two classes of voters, a law of August 24, 1883, added, in both the province and the commune, a third class, the so-called *électeurs capacitaires*, whose vote was based on the education which they had received, and was independent of any property qualification. The education required was that given in the primary schools, — reading, writing, grammar, arithmetic, Belgian history, geography, — and the possession of such an education was attested either by a diploma, by the position which the voter held or by a special examination. After the enactment of the law of 1883, the number of communal voters was estimated at 535,000.

Under these circumstances it was clear that the right of voting for members of the legislative chambers was too restricted, and men of intelligence had long perceived the necessity of extending it. Why, then, did so much time elapse before the reform was undertaken? The delay was partly due to the reluctance of the middle class to divest itself of the power which it had held for more than half a century, but mainly to technical difficulties and to the peculiar position of the Belgian political parties.

The extension of the suffrage involved the amendment of the

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constitution; and the provisions of the constitution itself render its amendment extremely difficult. Article 131 provides that the legislative power must first declare itself in favor of a revision, and must indicate what provisions are to be revised. Such a declaration effects the immediate dissolution of both chambers. When new chambers have been elected, the new legislature passes upon the points submitted to revision. For the purpose of constitutional revision, two-thirds of the members of each chamber must be present; and no amendment can be adopted by less than a two-thirds' vote.

It will hardly be maintained that this method of amendment is the best conceivable. It certainly affords solid guarantees against recklessness and partisanship; but in the attempt to use it, difficulties have been encountered which the framers of the constitution did not foresee. These difficulties are due to the fact that the two political parties which have been contending for power in Belgium since 1830 — the Catholic Party and the Liberal Party — are of nearly equal strength. Their contests, which have grown more and more bitter, have resulted in their alternate succession to office. Each of them, in turn, has obtained its majority only by serious exertions; and each has felt that its majority was precarious. Each of them, when in power, has hesitated to imperil its supremacy by reform experiments of which the issue was necessarily uncertain. What is more, each party had its special reasons for viewing an extension of the suffrage with disfavor. The Catholic Party, with its strong conservative leanings, felt an instinctive distrust of any measure which would increase the influence of the masses. The Liberal Party feared, and not unreasonably, that an increase in the number of voters would strengthen the position of the Catholics, particularly in the Flemish portions of the country, where the rural population is blindly submissive to clerical control. Finally, manhood suffrage had been seriously discredited in Belgium by the manner in which it had been employed in France to establish the second empire, which, by reason of its schemes of annexation, was the object of almost universal hostility.

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After 1870, the situation underwent a gradual change, the importance of which was not fully appreciated by the governing class. The Napoleonic empire had disappeared. Democratic ideas, triumphant in France, were filtering into Belgium and gaining ground there daily. On the other hand, the Belgian middle class began to fall away from the Liberal faith, and to support the Catholic Party. Fear of socialism; a notoriously inadequate degree of intellectual culture; a remnant of attachment to its religious beliefs, which the Liberals had treated with too little consideration — these were the principal causes for the change which was taking place in the attitude of the *bourgeoisie*. After 1884, the Catholic Party remained in the uninterrupted enjoyment of power; and the Liberal Party, not merely defeated but torn by internal dissensions, viewed the future with discouragement. Under these circumstances, the latter party naturally abandoned, little by little, its opposition to the claims of democracy. At the same time, the growing strength of the Labor Party set the conservatives thinking. It was at last generally recognized that concessions were necessary. A proposal to revise the constitution was introduced into the Chamber of Representatives by a number of Liberal deputies on the 19th of November, 1890. Its consideration was ordered by the unanimous vote of all the members present. On the 10th of March, 1891, the government declared itself in favor of the revision. In 1892, the formal declaration that certain articles of the constitution should be subjected to revision passed both chambers without a single dissenting vote, and, after receiving the royal sanction, it was officially published, May 23, 1892. With its publication, the chambers were dissolved, *ipso jure*. In the elections of June 14, 1892, the Catholic Party obtained a large majority. In consequence, however, of some local reverses, it did not control two-thirds of the votes in either chamber. No amendment, therefore, could secure the majority required by the constitution, unless it was accepted both by the Catholics and by the Liberals. Between the different tendencies in the chambers some compromise would be absolutely necessary.

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II.

The chambers met at Brussels, November 8, 1892. The Chamber of Representatives, which had the more important part to play, consisted of 152 members, of whom 92 were Catholics, and 60 Liberals and Radicals. These 152 deputies represented the Belgian middle class. There were not twenty of them who favored manhood suffrage. It is not likely that there was one who had even a presentiment of the result that was to be reached five months later. Taken as a whole, the Chamber assuredly had the liveliest desire to prevent the triumph of democracy and the admission of the masses to power. If this admission was inevitable, the Chamber desired that it should at least be accompanied by serious conservative guarantees. And yet, within a few months, manhood suffrage was established in a form which nobody had expected; and the conservative guarantees with which the Chamber contented itself were of an exceedingly fragile sort. It would be natural to assume that a result so surprising, so opposite to the apparent intentions of the Chamber, must have been forced upon the representatives by pressure from outside. We shall see later on that pressure was in fact brought to bear upon them; but it would be an evident exaggeration to ascribe the result wholly to any such cause. If the Chamber accepted a system which it did not like, it was because its internal divisions made it incapable of agreeing upon anything else, and because it finally became sensible of this incapacity.

The Chamber of Representatives personified a social class: it was a faithful likeness of the Belgian *bourgeoisie*. It is surely an instructive spectacle to see a whole social class so weakened by internal divisions that it ends in something like disintegration, and loses the power of defending itself against claims which it disallows.

Three different plans were proposed for widening the suffrage. The Catholic Party did not wish to go beyond a reduction of the electoral qualification; but according to its scheme, the reduction was to be coupled with a very important

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modification of the basis on which the qualification had previously rested. The reform which it had in view would have worked to the advantage of the country districts, which are generally Catholic, and to the disadvantage of the towns, which are generally Liberal. According to the old article 47 of the constitution, the voter had to pay 42 francs 32 centimes in direct taxes. These taxes — real-estate taxes, personal taxes, business licenses (*droits de patente*) — are higher in the towns than in the rural districts. This difference is a natural result of the greater value of real estate in the cities. It is true, however, that in consequence of this difference the towns had more voters in proportion to their population than the rural districts; and in those election districts (*arrondissements*) which included both town and country voters — and the most important districts were of this character — the disproportionate influence of the towns was a disadvantage to the Catholics. In spite of this inequality, which they regarded as an injustice, the Catholics had for nearly ten years been carrying most of these districts by considerable majorities. Their success, however, did not satisfy them. The revision of the constitution seemed to them to furnish an opportunity for making their position still stronger, by securing the redress of their alleged wrongs. The government attempted to realize their desire. It introduced a proposition by which the right of voting was no longer to depend upon the payment of a tax, but on the occupancy of a house or an apartment of a certain value. Only — and this was the innovation which aroused the anger of the Liberals — the value of the house which was to give its occupant the right of voting was not to be as great in the rural districts as in the towns. The government proposed to establish in this respect a graduated scale of values, based on the division of house-property into three classes. What is more, the possession of a certain amount of land was to confer the right of voting, without regard to the value of the house which the voter occupied. These measures, of which I have indicated the leading points only, were intended, according to the Catholic Party, to raise the rural population from the decadence into

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which it was alleged to have fallen. As a matter of fact, they would have given this part of the population, which is considerably larger than that of the towns, and is almost completely controlled by the Catholic clergy, a permanent power of outvoting the towns. The large cities — with their centralized control of commerce and industry, and their enormous accumulations of movable wealth; inhabited by the most enlightened classes of the nation, and representing the most advanced democratic tendencies — would have found themselves permanently divested of all influence over the politics of the country.

Of course the whole Liberal Party was vehemently opposed to a plan which would forever have destroyed its power. But as soon as it was called upon to express its own ideas, it showed the influence of two very different tendencies. The moderate Liberals wished to give the suffrage only to those who could prove that they had received a certain amount of education; but on the amount to be required the supporters of this plan could not agree. Some of them demanded a complete primary education; the others would have been satisfied with a requirement of ability to read and write. On its face, this last restriction seems a very slight one; but to perceive its real character the reader need only be reminded that the condition of primary instruction in Belgium is extremely unsatisfactory, and that at the present time, in spite of the real progress made during the last few years, more than one-fourth of the population is unable either to read or to write. The moderate Liberals thought that the educational qualifications which they demanded would exclude from the franchise not only a considerable part of the rural democracy controlled by the clergy, but also the less intelligent portion of the workingmen — particularly the miners — among whom socialistic and revolutionary doctrines were making rapid progress. The Liberals argued, moreover, that the extension of primary instruction and the adoption of the principle of compulsory education — which was a plank in their platform — would gradually reduce the number of the disfranchised and ultimately make the suffrage universal. These arguments were certainly good, and ten years earlier they

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would have elicited the unqualified approval of the democratic party. But the march of events had been unexpectedly rapid. The workingmen, who had formerly cared nothing for party politics, had organized themselves. They did not admit that the right to vote should be made dependent upon the capacity of the voter. They remarked — and the remark was just — that the middle class had only itself to blame if the people were not better educated. It had been in power for more than sixty years. Why had it not taken more energetic measures to secure the diffusion of primary instruction? Why had it not followed the example of other countries, and established the principle of compulsory education at a time when there was nothing to prevent it?

The Radical Party, which had only a dozen adherents in the Chamber, declared itself in favor of manhood suffrage, pure and simple. They could not but recognize that the result, for a time at least, would be to increase the power of the Catholic Party, but they consoled themselves with the reflection that they themselves would obtain large majorities in the principal cities and in the centers of industry. Apart from all other considerations, the Radicals were obliged to advocate manhood suffrage because the industrial laborers demanded it, and because they claimed to be the champions of this class, and were trying to obtain its support.

These were the conditions under which the legislature took up its task. It was evident from the outset that the only way to prevent the triumph of manhood suffrage was for the two parties which represented the middle class to agree at once upon some other system. No such agreement was reached. Catholics and moderate Liberals, although of one mind in their dislike of manhood suffrage, persistently maintained the positions which they had respectively chosen and obstinately refused to take a step towards one another. Each of these parties seemed to cherish the secret hope that the other would grow weary of the contest and, for fear of a worse result, submit to a surrender. The moderate Liberals would have agreed to a property qualification, provided it were made the

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same in the urban and the rural districts. The Catholics would have been willing to give the franchise to all citizens who had received a certain education, provided the others were subjected to a "differential" property qualification. Rather than accept a uniform property qualification, they would go to the point of granting manhood suffrage, which would have at least one advantage, that of quieting the agitation among the masses. This last point of view seems to have been that of the Catholic cabinet, which from the outset had contemplated without apprehension the possibility of a combination with the Radicals and a thoroughly democratic revision.

The labors of the legislature were long and arduous. They were carried on partly in the chamber itself, partly in a committee of twenty which it had appointed, and to which the various proposals submitted to it were referred for examination. These proposals were very numerous. They were all inspired by the desire of finding a compromise which might possibly secure the necessary two-thirds vote. In spite of variations in details, they all belonged to one of the three principal categories described above. None of them succeeded in satisfying the opposing interests of the Catholics and the moderate Liberals. The fundamental antagonism which divided the Belgian middle class frustrated all attempts at reconciliation. In the sessions of April 11 and 12, 1893, all the plans proposed were voted upon in the Chamber, one after another, and none of them received the necessary majority. After two years of preliminary labor, discussion and negotiation, the Chamber practically admitted its inability to solve the problem set before it. For the governing class, this amounted to a declaration of political insolvency. For the democracy, there was presented an admirable opportunity to intervene, to dictate its will, to realize its purpose, if necessary, by force. This opportunity was not neglected. The appearance of the Labor Party on the political stage — an event long foreboded — promptly occurred. The results have been sufficiently serious to justify a brief description of the origin, progress and organization of this party.

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III.

The system under which Belgium had been governed since 1830 obviously excluded the representatives of the masses, the manual laborers, from the exercise of political power. It was of course possible for a workingman, by dint of labor and economy, to attain the degree of prosperity which carried with it political privileges ; but as a matter of fact, such a transformation of the workingman into the *bourgeois* was, relatively, an unusual occurrence ; and as a matter of principle, the possibility of such a transformation was no answer to the objections raised by the democracy. The real question was whether the manual laborer as such, even when he was not a capitalist, had not a claim to exercise some influence upon his country's destinies.

It is, after all, rather surprising that the agitation of this question in Belgium came so late. It was not seriously discussed until the working masses, conscious at last of their power, organized themselves as a separate political party.

The beginnings of this organization do not date more than fifteen years back. It includes the industrial laborers who are crowded together in compact masses, partly in the large cities of the kingdom, four of which have a population of more than 150,000, and partly in the mining regions, in the provinces of Liège and Hainaut. For the political development of Belgium, the existence of coal mines in these two provinces is a fact of very great importance. The coal supply has called into being numerous industries — foundries, glass-works, *etc.* — and the adult male workmen collected in these two regions are estimated to number about 150,000. Two other centers are Brussels, — where one finds, to be sure, only an agglomeration of little industries, — and Ghent, in the Flemish country, where the weavers, who compose the largest portion of the laboring population, are lineal descendants of the members of the powerful guilds that played so important a part in mediaeval history. The statistics put the number of adult male workmen employed in the larger and smaller estab-

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lishments at about 300,000. In a country with only 6,000,000 inhabitants, such a body of men is a factor of considerable importance.

Labor troubles, struggles between capital and the pay-roll, had been as frequent in Belgium as in other countries. These contests were of a purely economic nature and had always a definite object: their purpose was to prevent a reduction or to obtain an increase of wages. The workingmen, as a body, did not concern themselves with social theories, and took scarcely any interest in the political struggles which absorbed the energy of the middle class. The first symptoms of a change showed themselves in 1880. At Ghent, in the heart of the Flemish region, in a laboring population of pure Teutonic stock, among whom the spirit of association had remained active, the Socialist Party was formed. This was only the first step. In April, 1885, at a congress held in Brussels, the Labor Party took shape as a political organization. From this time on it had a name, a platform and a regular constitution, with a standing general committee and yearly conventions. It does not appear that the congress of 1885 attracted very much attention or caused much disquiet among the governing classes; and yet, when the matter is carefully considered, this month of April, 1885, is one of the most important dates in the history of Belgium since 1830. From the moment when the workingmen gathered their scattered forces and determined to enter the arena of political strife, the destinies of the country began to take a different course.

Long before 1885 the Belgian workingmen had associated themselves in a hundred different fashions. They had formed mutual aid societies, coöperative societies, societies for social intercourse and amusement and, above all, boards and associations for fighting cuts in wages. The character, importance, duration and success of these different organizations varied with the circumstances which called them into existence. The formation of the Labor Party gave unity of purpose to these numberless one-sided endeavors. It concentrated the efforts which had previously been scattered. The numerous societies

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and organizations which already existed began to affiliate themselves to the Labor Party, and this movement of affiliation is still going on at the present time. The Labor Party in fact consists of a union of small distinct groups. Each of these groups enters the party, as a rule, by joining an intermediate federation which includes, in some cases, all the laborers engaged in a single industry, in others, all who live in a particular district.

The line of action which has proved most effective in bringing about this concentration is worth describing. It is of an economic nature. At the risk of seeming fanciful, I cannot help saying that the symbol which most accurately represents the movement in which the laboring class is engaged is bread; and it seems singularly fitting that the making of bread — the baking business — should have furnished, as it has actually furnished, the central point about which the diverse elements which constitute the Labor Party have grouped and united. First at Ghent, in 1880, and soon after in many parts of the country, coöperative societies were formed to furnish their members with the prime necessities of life, and especially with bread. This of itself was not a particularly novel thing; what was remarkable was that these coöperative societies from the outset combined with the satisfaction of their material interests the pursuit of a political object. Their gains were devoted to the propagation of socialistic ideas, to the publication of newspapers and pamphlets, to lectures and to the assistance of strikes. The workingmen — and they were numberless — who joined these societies from motives of economy, were thereby enrolled in the political army which was being organized. In most of the industrial centers there is to be found to-day a large building, known as the "people's house" (*maison du peuple*), which contains the offices of the coöperative society, where bread, groceries, meat, beer and clothing are sold, but which also includes a library and a reading room and, besides these, halls in which the workingmen frequently come together, sometimes to deliberate upon the matters which interest them, sometimes to listen to music or lectures.

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It may be asked whether the Labor Party includes all the laborers of the country. It does not. A considerable number of them are connected with no regular organization. On the other hand, the Catholic Party, taking a hint from its enemies, has been trying since 1886 to gather the workingmen into societies which it inspires and controls. These "Christian corporations," although they exhibit externally certain reminiscences of the middle ages, are coming more and more under the control of democratic ideas. It should also be noted that the workmen of the coal basin of Charleroi have joined the order of the "Knights of Labor." The organization of this society is surrounded by a certain secrecy, but its objects are substantially identical with those of the Labor Party. It may safely be said that the Labor Party includes the most active and zealous elements among the workingmen, and that the laborers who are not connected with it are either in full and unconcealed sympathy with its platform or at least show no hostility to its aims.

The aims of the Labor Party will be sufficiently indicated by saying that they look to the triumph of the political and social system known as collectivistic socialism. The fundamental principle of this system, as every one knows, is common or collective ownership of all the means of production, especially of capital and land. There is no need of dwelling upon the chimerical character of such an ideal. The more intelligent collectivists, however, are quite ready to admit that their ends cannot be even approximately attained except through a series of partial and preparatory reforms. These partial reforms, many of which are possible and some of which are perfectly reasonable, make up the serious and practical side of the Labor Party's platform. They are, in fact, only what modern democracy everywhere demands. Among the measures advocated by the Belgian Labor Party may be instanced: compulsory primary instruction; the attribution of corporate rights to workingmen's unions; accident, sickness and old age insurance; state ownership of the coal mines; the labor contract; limitation of the hours of labor; suppression of collateral inher-

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itance and a heavier tax upon direct inheritances. I do not desire to be considered a supporter of this platform, or of any part of it; but I think it must be clear to every unprejudiced mind that some of these demands are at least worth careful discussion. It should be added that the party aims at the peaceful and gradual realization of its ideas; that it is not essentially a revolutionary party; that it regards revolution simply as a last resort — as an heroic remedy, and that it expressly repudiates any sort of connection with the anarchists.

An indispensable preliminary to the changes desired by the laboring class was the widening of the suffrage, or rather the establishment of manhood suffrage. It is not surprising that, for the sake of obtaining this result, it was ready for the last sacrifices and the last excesses. It is worthy of notice that the growing hostility to manhood suffrage exhibited by the two political groups which represented the Belgian middle class, was largely based on considerations of an economic nature. Catholic and Liberal speakers alike tried to discredit manhood suffrage by declaring that it would lead to socialism and collectivism. Tactically this was hardly a wise course. What was the use of insisting that this political discussion involved a discussion of the great social problem which disquiets our century? What was the use of proclaiming that a controversy concerning the franchise would bring different economic interests into antagonism; that it would lead to a conflict between those who had everything and those who had nothing; that it would end in a war between the classes and the masses? This was furnishing arms to the enemy. It would have been cleverer, I think, not to have recognized collectivism as a belligerent. All that was necessary was to insist upon the chimerical and impracticable nature of the collectivistic theories. Such an attitude would have permitted the Liberal Party in particular to show a more generous confidence in the intelligence of the democracy, and at the same time to exhibit a more robust faith in the soundness of its own doctrines.

The labors of the legislature went on without coming any nearer to a result. Mutterings of discontent began to spread

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through the country. The hostility of the chambers to manhood suffrage was perfectly understood, and the Labor Party determined to employ means of external pressure. After exhausting the ordinary methods of manifesting the popular will — processions, meetings, resolutions, there remained the last form of pacific coercion with which the "proletariat" is constantly menacing "capitalistic society" — the "general strike," or universal abandonment of labor. An alleged general strike had already taken place in the spring of 1891; and although it was not at all general and its success, on the whole, was doubtful, the workingmen imagined, and not without some show of reason, that it had induced the Chamber of Representatives to express itself more promptly in favor of a revision of the constitution.

It might easily be demonstrated, I think, that the pressure exercised by a general strike can never be decisive. The abandonment of the workshops will never be really universal, and the resources of the laboring class are clearly insufficient to enable them long to endure the results of voluntary idleness. But such a line of reasoning goes wide of the real question. What makes a general strike dangerous is the possibility that it may serve as the starting-point of a revolutionary movement. For seditious purposes, a mass of idle laborers, irritated by their privations, is a ready-made army. This became quite evident in 1893. When the Chamber of Representatives, in the session of April 11, rejected manhood suffrage pure and simple by a large majority, the executive committee of the Labor Party at once ordered a general strike. Most of the workshops were emptied, and almost immediately, at Brussels, at Ghent and at Mons, conflicts of a more or less serious character, attended in some cases with bloodshed, took place between the people and the armed forces of the state. It was clear that the country was on the verge of civil war, if not of revolution. The situation was full of menace, especially at Brussels. It is true that the precautions taken were so complete and the means of defense so ample that any attempt at insurrection would most probably have been crushed — but at what a cost! The grav-

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ity of the situation was suddenly revealed to every one. The Chamber of Representatives had sense enough to see that bloodshed would destroy the system which it represented. It would have been unpardonable to run the risk of a civil war for the sake of postponing a reform which, as every one admitted, was certain to be realized sooner or later. What all patriotic men desired was an honorable compromise. The Conservative government, after reaching an understanding with the Radical Party, had finally given its approval to a plan which was based in principle upon manhood suffrage, but which imposed certain restrictions upon its operation. Assurance had been obtained that the Labor Party would accept the limitations proposed. The critical nature of the situation silenced all objections and overcame all opposition. The proposal which had obtained the support of the government was carried on the 18th of April by an overwhelming majority — 119 ayes to 14 noes, 12 not voting. The country at once became tranquil. The acceptance of the proposal by the Senate, of which no doubt had been entertained, took place a few days later. The device which rendered a compromise possible was the adoption of what is commonly known as the "plural vote." This is the basis of the electoral system under which Belgium is henceforth to be governed.

IV.

The "plural vote," as established by the present Belgian constitution, may be briefly characterized as follows: While every adult male citizen has at least one vote, those who, by reason of their age and their position as heads of families, or of the fortune which they possess, or of the education which they have received, are deemed to present special guaranties of fitness, have one or possibly two additional votes.

Every male Belgian who has completed his twenty-fifth year, and has resided for at least one year in the same commune, is entitled to cast one vote. The following persons are entitled to an additional vote:

1. Every voter who has completed his thirty-fifth year, is

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married or is a widower with legitimate children or grandchildren, and pays to the state a tax of at least five francs on the house in which he lives.

2. Every voter who owns real estate worth at least 2000 francs, or has an income of at least one hundred francs a year, derived from bonds of the Belgian government.

A voter who fulfills the conditions indicated under numbers 1 and 2 has two additional votes. Two additional votes are also granted, without reference to any of the preceding conditions, to every voter who gives evidence, either by the production of a diploma or by the exercise of certain functions (to be defined by an ordinary law), that he has received at least a complete secondary education. No voter has more than three votes.

It is estimated that under the new system there will be about 1,300,000 voters in Belgium, and that the number of additional votes will be about 800,000. The total number of votes for which the political parties will have to contend will therefore be about 2,100,000.

The rule of the old constitution, that every male Belgian who had completed his twenty-fifth year was eligible to membership in the Chamber of Representatives, was not changed.

The electoral system just described is applicable only to the Chamber of Representatives; it does not affect the Senate. This does not imply that the composition of the Senate and the method by which senators are chosen have remained unchanged; on the contrary, innovations have been introduced here also by the constitution of 1893. The solution which the legislature, after protracted efforts, has finally given to this problem is far from being generally approved. It should be added, however, that public opinion, wearied by the agitation of the question of manhood suffrage, has devoted little attention to the reformation of the Senate.

Under the provisions of the constitution of 1831, the membership of the Senate was half of that of the lower chamber. The senators were chosen by the same electors. Since, however, it was generally agreed that the Senate must be above all things else a conservative body, representing the spirit of

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order and tradition, guaranties were sought in the age and wealth of the senators themselves. To be eligible to the Senate it was required that the candidate be forty years old, and that he pay the state 2116 francs 40 centimes (1000 florins) in direct taxes. In those provinces where the proportion of persons paying this amount was less than one in 6000 inhabitants, the list of persons qualified was brought up to this proportion by adding the requisite number of those who paid the next highest taxes. This was a very high property qualification; and, taken in connection with the age qualification, it limited to a remarkable degree the number of persons capable of holding a senatorship. In 1893, in a population of 6,000,000, there were only 549 citizens, forty years old, who paid the tax required by the constitution; and after adding the supplementary provincial lists, there were hardly more than 1000 persons eligible. This property qualification gave an extraordinary privilege to a very small number of rich manufacturers and large landholders.

It was almost unanimously recognized that the constitution of the Senate was indefensibly bad. The high property qualification excluded from this assembly most of the men who, by virtue of their political experience or their personal capacity, might have rendered the most valuable services. The social class from which the Senate drew the greater number of its members — that of the great landholders — is far from rich in men of talent. Finally, since this body was chosen by the same voters who elected the members of the lower chamber, it was not able to exercise any real control over the latter assembly, but, as a rule, submissively ratified its decisions.

The evil was not so great as long as the lower chamber itself represented a sort of political aristocracy; but as soon as the more popular branch of the legislature began to voice the will of the whole people, the situation was entirely changed. In a really democratic state an upper chamber has a most important part to play. It must be so organized that it can exercise over the lower chamber a control that is effective without being oppressive. Under these circumstances alone can it offer

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any real protection against over-hasty impulses of popular feeling.

In Belgium almost every one was more or less clearly conscious of this truth; and the plans proposed for the reorganization of the Senate were very numerous. It seemed to be thought that this body offered a free field for political experiments. A number of schemes were based upon the idea of the representation of interests; but these all came to grief in consequence of the difficulty of deciding just what interests might advantageously be represented. Indirect election was favored by many men of intelligence; but they were unable to agree upon the method in which the electoral colleges were to be organized. Some thought that special colleges should be established; others were in favor of vesting the election of senators in some existing representative bodies, such as the communal councils. As regarded the matter of qualification, it was freely admitted that the conditions prescribed by the constitution were too severe. There was a general feeling that the doors of the Senate should be opened, if not to every citizen, at least to all those who had given evidence of superior ability by attaining important political, judicial or administrative positions. To make the Senate accessible to all citizens of sufficient capacity, and to secure its stability and conservatism by a proper organization of the electorate — such were the lines upon which a satisfactory reform of the Senate might apparently have been reached.

The solution was actually reached on very different lines, and was far from satisfactory. Among the various causes which contributed to this unfortunate result, not the least effective was the obstinate resistance of the existing Senate. This body was opposed to any change which would disturb the vested privilege of its members. It was peculiarly hostile to the idea of admitting talent unattended by wealth. At the close of protracted discussions and petty conflicts, and by means of a series of compromises, a result was attained which, on the whole, preserved the chief abuses and inconveniences of the previous system.

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The Senate is henceforth to consist of two classes of members. The first class is chosen, in each province, by the same voters who elect the members of the Chamber of Representatives. The new constitution, however, authorizes the legislature to raise the age qualification of senatorial electors to the completed thirtieth year, and a law to this effect has already been passed. The number of senators thus elected is equal to half the number of representatives.[1] To be eligible in this class, the candidate must be forty years old, and must pay to the state 1200 francs in direct taxes, or be owner or life-tenant of real property, the annual income from which is assessed[2] at not less than 12,000 francs. In the provinces where the number of persons possessing such a qualification does not reach the proportion of one in each 5000 inhabitants, the list of eligibles is brought up to this proportion by adding a sufficient number of the next largest taxpayers. Citizens placed on such a supplementary list are eligible only in the province in which they reside. These conditions are somewhat more liberal than those of the old constitution, but they are of such a character that the privilege accorded to the large landholders remains almost intact. The number of persons eligible to the Senate in this class certainly does not exceed 2000.

The second class consists of senators chosen by the provincial councils. From two to four are chosen in each province, and the entire class at present numbers twenty-six. They must be forty years old, but no property qualification is required. They must not be members of the assembly which chooses them, nor have been members of this assembly during the two years previous to their election. The provincial council, as its name implies, is a body concerned with the affairs of the province. Its powers are very similar to those of the French *conseil général* or of the English county council. Up to the present time it has been chosen by voters paying to the state twenty francs in direct taxes, or

[1] The Chamber of Representatives has at present 152 members.

[2] The annual value as assessed for purposes of taxation is as a rule considerably less than the real value.

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possessing a certain amount of education, but it is certain that this franchise also will be placed before long upon a more liberal basis.

In spite of the changes just noted, it must be said that the attempt to reform the Belgian Senate has miscarried. It may be urged, however, in behalf of the Belgian legislators, that the proper constitution of an upper house is a most difficult problem, the solution of which baffles the wisdom of the most experienced statesmen.

I have set forth in brief the changes in the Belgian electoral system introduced by the reform of 1893. The text of the constitution has undergone some other changes; but as these have only a secondary interest, I may be pardoned for leaving them unmentioned. I refrain also from noticing certain plans of reform, such as the *referendum*, which involve questions of prime importance, but which failed to secure the necessary support in the chambers. I must, however, call attention to one new provision which is connected with the reform of the electoral system — that which makes voting compulsory. In the elections of members of the Chamber of Representatives or of the Senate, failure to vote will henceforth constitute a misdemeanor, punishable by law. To lessen the severity of this rule, the constitution provides that the vote shall be cast in the commune, except in those cases where the law shall otherwise ordain.

V.

It would be rash to attempt to-day a positive forecast of the manifold results which the recent constitutional revision will entail. These results will manifest themselves only little by little, but they will surely end by bringing about a great change in the political and social condition of the country. The extension of the suffrage will probably result at first in gains for the Catholic Party and in the consolidation of its power. But in the bosom of this party itself, democratic and reformatory tendencies of a somewhat socialistic character are already revealing themselves. A group of bold spirits will be

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formed which will urge the alliance of the church with the masses, and which will advocate measures of a more or less radical character. Their influence will undoubtedly lead the Catholic Party to support certain innovations which up to the present time it has obstinately opposed. In this way, for example, the furnishing of a substitute for military service will probably be prohibited. The democratic Catholics, however, will form only a relatively small group, and their taste for novelties will not go beyond the bounds which it may please the ecclesiastical authorities to establish. The Catholic Party, as a whole, will remain what it is — a conservative party, hostile to modern ideas, and above all a clerical party. Its principal object will always be to assure the triumph of the church and the supremacy of its doctrines.

The opposition, before consolidating itself, will undergo a complete transformation. The Liberal Party was essentially a party of the middle class in the large cities. This social class owed its long supremacy to the restrictions imposed upon the franchise. Now that these restrictions have almost entirely disappeared, the influence of the middle class will be destroyed by the overwhelming vote of the laboring class. Democracy will remain mistress of the field in the manufacturing cities and the industrial centers. Almost everywhere the Liberal deputies who now sit in the legislature will be replaced by democratic representatives.[1] The platform of the democratic party will be strongly influenced by socialistic ideas. It is possible that some of its demands will be granted, more or less reluctantly, by the conservative Catholic Party. Taxation will be more justly distributed than it is at present; the provisions of the labor contract will be more precisely regulated; perhaps the system of compulsory insurance will be introduced. There can, however, be no doubt that a conflict will arise be-

[1] [M. Vauthier's article was written nearly a year ago, and the revised proofs left his hands before the late general election; but the results of this election (October, 1894), the first held under the new constitution, have strikingly confirmed his anticipations. The Chamber of Representatives chosen in 1892 consisted of 92 Catholics, 48 Liberals and 12 Radicals. The new chamber is composed of 104 Catholics, 29 Socialists and but 19 Liberals. — EDS.]

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tween the conservative Catholics and the socialistic democracy; nor can there be any doubt that the conflict will be a bitter one. It will be envenomed by the distinctly anti-Catholic and irreligious spirit which, in Belgium as in France, animates the greater part of the laboring class, and which is still dominated by ideas and feelings directly derived from the French Revolution.

The situation, accordingly, is not without serious perils. The party which calls itself "Progressive" or "Radical," and which will succeed to the greater portion of the political estate left by the moderate Liberal Party, has no taste for disorder and wishes to reach its ends by legal means. In a word, it is still a middle-class party. But it has behind it the Socialist Party, which it cannot control, with which it will not dare to break, and in which violent measures inspire infinitely less repugnance. Can it be hoped that the laboring masses, permeated as they are with revolutionary instincts and crowded together in a few industrial centers, will patiently submit to the opposition with which a clerical and probably reactionary government, supported by an agricultural population, will certainly meet their demands? That a period of conflict is imminent seems certain, but it is not possible to foretell its course. It may culminate in revolution; it may resolve itself into a series of peaceful compromises.

An unfavorable element in the situation is the peculiar position of the Liberal *bourgeoisie*. Assailed with equal animosity by the Catholics and by the socialistic Radicals, it will be deprived for a time of all political influence. Its disappearance from the field will leave the extremists face to face. The Liberals will not sympathize with the endeavors of the demagogues, but they will certainly lend no support to the Catholic ministers, whose policy runs counter to their most cherished convictions.

Unfavorable, again, is the extent to which the conflict between parties is becoming economic. It seems probable that we shall witness a real struggle between classes, a war between capital and labor. Economic conflicts in Belgium are

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not intrinsically more desperate or irreconcilable than in other countries; but the excessive prominence given to questions of a material nature and an unfortunate indifference to ideals will probably add to the bitterness of our internal dissensions.

On the other hand, great reliance may justly be placed upon the good sense and the eminently practical spirit of the Belgian people. It will not permit itself to be dragged down a precipice with its eyes shut. Manifest exaggerations will give rise to wholesome reactions. It may be hoped, accordingly, that Belgium will escape the double peril with which it is menaced: that it will neither be wholly subjected to ultramontane control nor be wholly guided by revolutionary demagogues. If this hope is to be realized, it is indispensable that the Liberal Party, now in so evil a case, shall reorganize itself and recover its legitimate influence. Such a reorganization, although it may not come for several years, will surely be attained in the end. The chief mistake of the Liberal Party was its failure to comprehend soon enough that a great movement towards democracy was about to take place. Whether it be deplored or applauded, this movement has come. What the Liberals have now to do is to reconcile themselves to the new conditions and frankly accept the consequences of universal suffrage. The power of the masses must be recognized as a fact which it is useless to discuss. When it has reached this point, the Liberal Party, strengthened by adversity, rejuvenated and democratized, will be in a position to take advantage of the reaction which will surely set in against Catholic intolerance on the one hand and against the barren agitations of the extreme socialists on the other; and it will have an opportunity to fight effectively for the principles of order and of liberty which have heretofore constituted the glory and the strength of Belgium.

MAURICE VAUTHIER.

UNIVERSITY OF BRUSSELS,
October, 1894.

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REVIEWS.

Social Evolution. By BENJAMIN KIDD. New York, Macmillan & Co., 1894. — vi, 348 pp.

Once in many years a book appears which backs up a new interpretation of some great question in science or philosophy with an array of fact and reason so impregnable that adverse criticism is but an imbecile waste of words, and the currents of human thought are turned in new directions for all time to come. Mr. Darwin's *Origin of Species* was preëminently such a book. More frequently a work is published which, for the moment, seems to belong in the "epoch-making" rank, because the theory advanced is new or even startling, and is to all appearance well demonstrated; but further investigation bores so many holes in the premises that the superstructure is imperiled or overthrown. Nevertheless, the brilliant or daring hypothesis has powerfully stimulated research, and the book will therefore always occupy a prominent place in the history of thought. The best informed biologists seem now to be pretty well agreed that Weismann's *Germ Plasm* is a book of this description. Finally, there is the occasional book that advances bold hypotheses and defends them with such intellectual vigor and with such an original use of familiar knowledge that every reader finds himself compelled to think out the problems presented and to formulate his own beliefs, though he is conscious all the time that the author's positions are false or imperfect, and that his conclusions are erroneous or exaggerated. Such a book, in spite of its shortcomings, may produce an effect upon popular thinking hardly less than revolutionary. It must be acknowledged to be a remarkable book, if not in the truest sense of the word a great one. This type was perfectly realized in Mr. George's *Progress and Poverty.* It is now exemplified again in Mr. Kidd's *Social Evolution.*

The comparison to *Progress and Poverty* is not unfair to either author. Both Mr. George and Mr. Kidd exhibit the same love of the paradoxical. Both are masters of a novel, forcible, plausible way of putting things. Each of these authors deduces all social ills from a single cause and all social philosophy from a single principle. Each sees a sure means to universal happiness in a single extinction:

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Mr. George in the extinction of private property in land values; Mr. Kidd in the extinction of reason. Mr. George has the courage of his convictions and proposes a single tax on rent. Mr. Kidd, were he a little bolder and somewhat more self-consistent, would urge a single tax on ratiocination. Mr. George's book created a movement and an ism among amateur economists who wanted to be ethical. Will not Mr. Kidd's book create a movement and an ism among sentimentalists who want to be sociological?

Mr. Kidd bases his argument on the premise that progress depends on continual strain and stress, consequent upon the birth of more individuals than can get a living, and resulting in the survival of the fittest after the weak have perished. This Darwinian truth he sets forth in its extreme form of Weismannism, which he accepts, apparently, as the final word of biological philosophy.

The argument then built on this foundation is briefly as follows:

Progress benefits the survivors, the fittest. There is nothing in it for the unfit, who must perish. But taking the generations of life in a grand aggregate, the exterminated have been, and the unfit that must perish will be, the vast majority. The benefits of progress, therefore, are for the few, and especially for the fittest that are yet unborn. They are for the race, not for the individual. Paradox now enters. The most unique product of progress is the human reason. Human reason is individual and individualistic. It teaches each man to ask what he is here for and what, being here, he can get out of life. In answer it says to a majority of individuals:

> You are here as links in a chain. You are here to increase the stress and strain which will make a few of your fellow-beings strong and wise. You are here to suffer and die that the fittest, who survive, may enjoy the benefits of progress. There is nothing — there cannot possibly be anything in progress, for you. If you would consult your own well-being, you must put an end to progress. You must not have so many children. Limiting population, you must put an end to competition. Progress will cease, degeneration will set in, the race will suffer, but you will be comfortable.

The majority, to whom reason would say these things, could, if they would, follow a rational course, and bring progress to an end. If they do not do so, they are acting from other than rational motives. Progress, therefore, has no rational sanction. It must be accounted for by ultra-rational or supernatural sanctions.

Here endeth the first lesson. The second lesson is not less startling and is a good deal more novel. Science has accounted for many things, but it has until now failed to account for the most conspicuous

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phenomenon in human society, namely, the universality of the religious sentiment and the vitality of organized religions. As a true evolutionist, Mr. Kidd inquires what social function religion performs — for to discover the social function is to find the explanation desired; and, prepared by the foregoing argument, he perceives it at once. Religion has always warned the individual not to trust his reason. The conflict between religion and science has been no mere philosophical contest; it has been the warfare of gigantic social forces. By suppressing reason religion has allowed progress to go on. Without religion there could have been no progress after reason was born. Religion, then, is the chief social power. It is the super-rational sanction of progress. Progress is not primarily intellectual; it is essentially religious. Yet reason, which would put an end to progress, is the child of progress and glories in it; while religion, which maintains progress, is conservative and suspicious of change. Thus each, like the apostle, does what it would not, and that which it would do it cannot.

Such is the argument. Mr. Kidd elaborates it in an account of Western civilization and a criticism of modern socialism. Western civilization is a marvelous development of intellect, but intellect did not create it. Christianity, by holding reason long in check, enabled competitive forces to gain great headway. Then, when intellect awakened, the vast fund of altruism that Christianity had accumulated began to emancipate classes that had not before taken an active part in the social struggle, and to extend to them all the benefits of knowledge. The result has been an enormous widening of the competitive area, a vast increase of strain and an acceleration of progress. Socialism is the reaction. It is a deliberate attempt to follow reason and to suppress competition. It will fail because altruism, combined with a conviction on the part of the capitalistic classes that the socialistic masses are, from their own point of view, in the right, will lead the wealthy to extend such opportunities to the poor that competition will continue to increase.

In a brief review, criticism of this most ingenious sociological theory may wisely be confined to four points. Mr. Kidd has rendered a real service to social science by his demonstration that altruism cannot interfere with natural selection. There has been too much absurd fear that philanthropy would help the unfit to survive at the expense of the fit. Some forms of misdirected philanthropy do undoubtedly have that result; but the philanthropy that broadens opportunity, and especially that which extends education,

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must inevitably, as Mr. Kidd contends, intensify competition and increase the stress of life, thereby hastening the selective process.

But precisely the same thing is true of intellectual progress, and Mr. Kidd's argument that modern progress is not primarily intellectual is exaggerated and largely fallacious. Scientific discovery and invention have enabled population to increase, migrate, cross and sift to an extent almost beyond the power of imagination to grasp. As Dr. Longstaff says, the multiplication of population in the last one hundred years has been a phenomenon absolutely unique in history. In addition, discovery and invention, by revealing possibilities of life before undreamed of, have created new wants and aspirations that have stimulated activity to the highest pitch. If progress is due chiefly to stress and selection, then, beyond any question, intellect, operating through discovery and invention, has been a greater factor than any other in modern progress.

On the other hand, Mr. Kidd is entitled to credit for compelling us to recognize a part that non-rational sanctions have played in progress. He falls into serious confusion, however, in identifying all non-rational with supernatural and anti-rational sanctions. There are mysteries in life that reason is powerless to explain. It is a fact that, to some individuals, progress brings only misery and sorrow, and that thousands of such individuals have been sustained by faith in conduct that was beneficial to society and to the race. But faith has thus aided progress only by supplementing reason where reason stops, never by impairing confidence in the trustworthiness of reason within its own sphere. If reason can carry its explanation of life to certain limits, but not beyond, two things follow. First, reason cannot say to the individual that, if he suffers through progress, he ought in reason to discountenance progress. Unless it professes to explain life absolutely and to the uttermost, reason cannot possibly give to the discontented man the advice that Mr. Kidd represents it as giving. At the utmost, assuming that he is a pure egoist, it can only tell him that, under such circumstances, he can give no reason why he should not discountenance progress. Secondly, in this dilemma the individual may fall back on faith, and assume that relations which he cannot understand are nevertheless to be accepted as right. To this extent faith has been, and will continue to be, a powerful sanction of progress.

It could never have been such, however, if a majority of individuals in each generation had suffered more than they had benefited by progress. In such a case faith would have broken down. This

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brings us to the minor premise of Mr. Kidd's argument, and it turns out to be absolutely false. His major premise, as was observed, is the assumption that stress of life is the original cause of progress. The false minor premise is, that at any given time the victims of progress who know that they are victims and want to put an end to progress are numerous enough to put the wish into effect, if unrestrained by supernatural or at least ultra-rational sanctions. Nothing could be more untrue to fact. Suppose that of one hundred families now living, all but ten will have become extinct in the tenth generation. That would be natural selection at a great pace, yet, at that rate, but ten families will drop out in each generation; and if we suppose that only ten new families appear in each generation, there will still be, at all times, ninety families able to hold their own, to ten that are expiring. In most cases the families destined to extinction cannot possibly know the fact two or three generations in advance. At any given time, therefore, a majority expect life; they are for the time being fairly well adjusted to the conditions of life, and have no complaint to make against progress. Yet all the while the inexorable process of natural selection goes on, and progress is assured. Five minutes' study of a life-insurance expectation table might have shown Mr. Kidd on what a foundation of sand he was building.

Altogether, then, Mr. Kidd's book is a curious mixture of truth and fallacy. But it is an interesting book, and stimulating. It will make a great many people do more serious thinking in sociology than they have ever done before. FRANKLIN H. GIDDINGS.

Socialism. — An Examination of its Nature, its Strength and its Weakness, with Suggestions for Social Reform. By RICHARD T. ELY, Ph.D., LL.D. New York and Boston, Thomas Y. Crowell & Co., 1894. — 449 pp.

The appearance of Dr. Ely's readable book is singularly apt at this time. Students of social science and the actual promoters of the socialistic propaganda are perhaps the only persons in our country who understand scientific socialism at first-hand from the writings of its great leaders, Owen, Marx, Engels, Louis Blanc, Lassalle and others. A large majority of the American people know socialism only from the newspapers and from the speeches of labor agitators. It is much the same with the movement toward social reform in general. In all our great cities, small bodies of earnest men and women may indeed be found devoted to this or that practical reform; but for the most part they are absorbed in their own work

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exclusively, and forget that other bodies of reformers have like good aims. Dr. Ely in his present work, therefore, renders a service to the American reading and thinking public in two distinct ways. First he tells us what scientific socialism is, what criticism it has to make of the existing order of society, and what it believes it can accomplish for mankind. Secondly, he brings under our immediate notice all the various plans for social improvement now agitated, shows us their strong and their weak points, and tells us of their present progress and probable future.

Both as an expositor and a critic Dr. Ely shows fairness and breadth of judgment; his position throughout being neither that of a hard and fast conservative, nor that of an extreme radical, but rather that of a social reformer. Holding fast to what is good in the present, Dr. Ely would simply point out to us the avenues of approach to the still better promised under a more socialistic régime. He deals with the question of "Socialism as a Scheme of Production" very fully, devoting some twenty-one pages to the elucidation of this comparatively simple problem. When he comes to the crucial question of "Socialism as a Scheme for the Distribution and Consumption of Wealth," however, his treatment is most superficial. In endeavoring to do full justice to socialism as an all-around industrial scheme, Dr. Ely should certainly devote more than five pages to this crucial question of distribution, upon which the socialists themselves have differed so widely; and especially as he holds that the unequal distribution of wealth is the crying evil of our day.

To the question of the socialization of monopolies Dr. Ely has for some time been directing his attention. His reasoning is clear as to the benefits which must accrue from the gradual socialization of natural monopolies, and the careful weeding out of such artificial monopolies as are due to unwise legislation. The distinction between a natural monopoly on the one hand, and simply a large industry on the other, is also made quite clear, and the exclusion of land from the class of natural monopolies is again insisted upon.

All through his book Dr. Ely shows himself opposed to what is commonly known as Marxist socialism, and constantly decries the idea of a purely material development of society based on economic variation. Rather is he inclined to look upon socialism from its ethical side, and leave us with some choice in the matter. It is quite right to insist, with the Fabians, upon the moral concepts of socialism, but in dealing with the question of the socialization of

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monopolies, it would seem that Marx and his disciples should in justice receive more credit. The ethics of socialism are all very well in the matter of social reform and in determining the attitude of the reformers; but when the author admits that under our present régime all natural monopolies must come under the absolute control of the few, and that this in turn must lead to the necessity of their ultimate socialization, he would seem himself to be following step by step that very theory of economic evolution he cast aside only a moment before as too materialistic.

Dr. Ely has evidently written more for the general public than for the scientific few. Except for the chapters on monopolies there is little attempt at originality. The book, however, is well arranged, and interesting throughout. A series of appendices contain the platforms and principles of socialistic parties and societies, and a full bibliography.

LINDLEY M. KEASBEY.

BRYN MAWR COLLEGE.

Der Wucher: Eine Socialpolitische Studie. Von DR. LEOPOLD CARO. Leipzig, Duncker & Humblot, 1893.—311 pp.

This is one of the shoal of writings that have been called forth of late years in Germany and Austria-Hungary by the agitation for the restoration, and now for the further elaboration, of the legal prohibition of usury. It distinguishes itself from most of them in that it does not confine itself to generalities, but devotes a long chapter of more than a hundred pages to the condition of affairs in a particular province, Galicia, "the classic land of usury"—a country with which the author is intimately acquainted and concerning which he has had peculiar opportunities of obtaining official information. Valuable as his statement of facts is, he would have added weight to his argument if he had attempted to determine the extent to which the evils he deplores are due to the presence of the village usurer, and the extent to which they are the result of the new freedom to dispose of their land which the peasants have only enjoyed since the emancipation. It may be added that if writers of Dr. Caro's opinions wish to convince "city-men" in the more advanced lands of Europe, not to mention economists in England and America, it would be well to dispense with vague denunciations of "Manchesterism," and equally vague explanations of the ethical purpose of the state, and to put in their stead a matter-of-fact description of a typical village in Galicia or elsewhere. The difficulty in controversies such as this about

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usury is that the opposing schools remain in different intellectual atmospheres; on the one side are the *doctrinaires* (and "doctrine" is an indispensable political force), who are ignorant of the real facts; on the other side are the practical men, who know the evils and feel obscurely that there ought to be some alleviation of them. The latter think they have got to overthrow the principles of their opponents, when really their first business is to inform them.

HARVARD UNIVERSITY. W. J. ASHLEY.

Deutsche Geschichte. Von KARL LAMPRECHT. Berlin, Gaertners Verlagsbuchhandlung. Vol. I, 1891, 364 pp.; Vol. II, 1892, 397 pp.; Vol. III, 1893, 420 pp.

Professor Lamprecht gained his reputation eight years ago by the ponderous volumes which he devoted to the mediæval agrarian life of the Moselland, under the title *Deutsche Wirthschaftsleben im Mittelalter*. Emboldened by this success, he next tried his hand at semi-popular essays, and certainly showed that he was the master of a pleasant and vigorous style. And then, with courage and self-reliance, he girded up his loins for an undertaking which demanded both learning and style. This was nothing less than to tell the whole history of Germany, in a way which should satisfy alike the historical scholar and the general educated public.

It is a striking fact that, great as has been the development of historical studies in Germany, and considerable as have been the achievements of German scholars, like Räumer, Giesebrecht, Ranke, Droysen and Treitschke, in particular fields of their nation's history, there is no work covering the whole national development which can be compared with that of Hume or Lingard for England. There certainly seemed room for such a work as Professor Lamprecht contemplated. If he has not altogether succeeded in producing a masterpiece which shall live as does Hume or even Lingard, the cause is largely to be found in the broader scope of the task he has marked out for himself. Himself an authority of the first rank on the agrarian life of the later middle ages; touched, as all men who are sensitive to the influences of the time must be, by the new interest in the economic development of society; realizing that all the great manifestations of a people's activity — political, economic, artistic — must be inter-related: Professor Lamprecht has sought to tell the whole story of the past, instead of a part only, as Hume did. But the fact is that the time is not

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ripe for any such constructive effort as he has attempted. It may be said with truth that, while it has for some time been possible to lay out the main lines of German political development with what is probably tolerable accuracy, all the really fundamental questions of social development are still open to discussion. But it must be remarked that this fact is even to-day hardly recognized in Germany, and was scarcely dreamt of a few years ago. By ignoring, unconsciously of course, all the work that was being done by scholars outside of Germany, and by moving constantly in the atmosphere of a few great ideas which had been so driven into the thought of the time by the school of Waitz as to have become postulates of historical writing, it was possible to have a feeling of certitude which it is hard for one who is not a German to share to-day. It is precisely those parts of his work, therefore, which have struck Professor Lamprecht's countrymen as most novel, — the chapters devoted to economic development, — which are least satisfactory. In the chapters which tell the political story, Professor Lamprecht gives us a well-written and even eloquent summary of the conclusions of the great historians; and readers will be fortunate who make their first acquaintance with the story of Charles the Great and the Ottos and the Hohenstaufen in his interesting pages. The chapters relating to literature and art the present writer does not feel competent to criticise; they look fascinating. But after all it is the economic development, and especially the agrarian, that is fundamental, and Professor Lamprecht tries to make his readers realize this. And here his positions are in some cases highly questionable, and in others so tantalizingly vague and unrelated to one another, that it needs all the charm of a facile pen to give them an air of solidity or consistency. The task of criticism is not rendered easier by the circumstances that, appealing to a popular audience, the author has thought it best to dispense with the citation of authorities, and that, presumably for the same reason, he has chosen to assume an air of certainty which is probably foreign to his real mental attitude.

The scheme of the book, as has been already hinted, is furnished by the familiar idea of the progressive degradation of the primitive self-governing and communistic "full free-man" by the growth of feudalism. But this is prefaced by a sketch of prehistoric development, under the guidance of anthropology, and here the author finds the key to some of the gravest problems of later history. The *Centena*, or *Hundertschaft*, for instance, is explained as "the kindred

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according to mother-right"; and this conclusion is led up to by a sketch, following Morgan and other authorities, of the evolution of the monogamic patriarchal family out of a communal promiscuity. It is, indeed, confessed that there is not much evidence for this evolution in Germany itself; but it is assumed as already sufficiently proved for mankind at large. Now it is hardly necessary to say that no one, — except perhaps a cocksure socialist popularizer, like Herr Engels, — would write in this way since the publication of Professor Westermarck's book. Writing as Professor Lamprecht did in 1891, he can hardly be blamed for accepting teaching which, before Westermarck arose, was rapidly gaining general adhesion from anthropologists and folk-lorists. But the part played by *Mutterrecht* in his book is certainly an example of the dangers of the schematizing tendency.

Our old friend the *Markgenossenschaft* is, of course, here in all its simplicity. It will hardly be worth while to dwell on the well-worn theme; what is wanted now is certainly not more destructive criticism. But, as it has of late been complained that critics of von Maurer disregard the modifications of the doctrine by later scholars of his school, it may be well to notice what precisely the modifications are which are here presented by Professor Lamprecht. And in the first place, according to him, the original "agrarian economic community" was the *Hundertschaft*, or hundred. This apparently rests only on the statement of Cæsar that the magistrates allotted land annually "gentibus cognationibusque hominum qui una coierunt" — "gentes" and "cognationes" being assumed to be obviously "hundreds," — and on later "survivals" in the shape of the joint control of pastures or woods by several communes (I, 142–144). The association of the hundred, however, split up after a time, we are informed, into smaller groups — the later villages — based on kinship through males, and organized economically as the larger group had been. The mark communities thus created are given all the characteristics Maurer ascribed to them; and Professor Lamprecht waxes enthusiastic over the imperishable virtues of the "type of man" produced by this "association not of owners but of *men!*" and quotes Horace, "si fractus illabatur orbis."

Secondly, our author follows Dr. Inama-Sternegg in describing the growth in the Merovingian and Carolingian periods of a *Grossgrundbesitz*,—of large seigneurial properties, by grants from the sovereign to his magnates of great tracts of wood and marsh (II, 89, 90). These magnates cleared and tilled them (where they got the necessary

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labor from is hardly indicated), and set an example of agricultural enterprise and organization that was urgently needed by the small freeman on his virgate (*Hufe*). Professor Lamprecht shows how the great properties were split up, and how villages under local lords may be supposed to have grown up upon them. And from this point the free communities which he started with drop out of the story, and a development is sketched which might apparently have taken place had they never existed. No attempt is made to estimate the relative magnitude of the area subject to free communities and that subject to great lords; or to show precisely how it was that on the lord's great estates the freemen, who are described as flocking in and renting land, fell into the serfdom which we find in the later middle ages. Indeed, any one who has been through the severe discipline by which Mr. Seebohm and Professor Vinogradoff and Professor Maitland have made us realize the daily life of the average villain, cannot help feeling that Professor Lamprecht's construction is all "in the air." It "lacks actuality."

For the economist, the most interesting sections in the third volume are those which deal with the beginnings of trade, and therein of the merchant guild and of town life. Where so many doughty disputants are engaged, and especially that very acute swashbuckler, Professor von Below, it would be dangerous for the reviewer to take sides. Dr. Lamprecht apparently has an eclectic theory of the origin of the constitution of the mediæval town — combining the market-privileges theory of one school, with the hundred-court theory of another, and enriching the composition by the constitution of a new "caravan theory" of his own for the merchant guild. It must be confessed, however, that the three elements are harmonized rather by a smooth and confident style than by internal coherence.

The three volumes that have so far appeared reach to the end of the period of the Hohenstaufen. In the later volumes Professor Lamprecht will be dealing with less controversial matter, in which his narrative skill and width of interest will secure a less qualified success. We may still expect four volumes to complete the work; and the whole set should certainly be on the shelves of every fair historical library. At six marks a volume unbound and eight bound, they are certainly "within the means of the humblest" college library; and, after all deductions have been made, it must again be remarked that they are exceedingly interesting.

W. J. ASHLEY.

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Philosophy and Political Economy in some of their Historical Relations. By JAMES BONAR. London, Swan Sonnenschein & Co.; New York, Macmillan & Co., 1893.

It is certainly characteristic of the present condition of philosophy — and I suppose it to be also of political economy — that a book like the present should be produced. Doubtless, the opposition, or at least the gulf, between metaphysics as a speculative science dealing with purely spiritual and transcendental affairs, and hard-headed economics engaged with material and mundane things, has not been as wide or as deep as we sometimes imagine. Philosophy has never entirely lost sight of itself as a social discipline; and the conception, to use Aristotle's phraseology, that men first take thought about living in order then to live worthily, can never have been quite eliminated from the account of man's industrial undertakings and relationships. Yet only at a time when the solution of the economic problem is seen to be bound up with that of the whole human question, and at a time when philosophy is feeling its way to transforming some of its conquests in the transcendental domain into tools for handling present matters, could the attempt to discuss the historic relations of philosophy and political economy have quite its present meaning.

I confess that personally I always experience irritation when a book reviewer, instead of giving me an account and estimate of a book from the book's own standpoint, chooses to show what kind of a book the author might have produced, and to criticise the work in hand from this remote vantage-point. Yet I cannot resist the temptation of following that method in this case. At least, in suggesting the hypothetical book which he might have written, I shall not deny or fail to recognize the solid qualities which Mr. Bonar's book has as it is, and it is possible that the contrast will, after all, only serve the better to indicate just what Mr. Bonar has successfully undertaken.

What Mr. Bonar has *not* done is to show how the same fundamental problems and attitudes have underlain philosophic and economic thought from the outset, simply assuming different statements and outward garbs. He has not traced the reflection of philosophic conceptions over into the region of political economy, influencing and even controlling the economic writer without any consciousness on his part of the ideas of which he was the mouthpiece. What Mr. Bonar *has* done is to give a minute and solid account of the economic content to be found in many philosophic

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writers, *e.g.*, Plato, Aristotle, Hobbes, Kant, Hegel; and of the immediate philosophic connections and leanings of such economists as Adam Smith, the Mills, Karl Marx and Lassalle. In a word, and upon the whole, it is in their more external points of contact and reciprocal reactions, that he has grasped and set forth the relations of political economy and philosophy.

For many reasons, it is better that the task so well performed by Mr. Bonar should have been undertaken first; indeed, it was probably necessary, as the more intrinsic account which I have suggested would hardly be possible without just such a collection of "materials to serve" as Mr. Bonar has brought together. How precisely it is the latter which is given us, may be easily learned from turning to the last chapter — the summary. Here, even if not explicitly in the body of the book, one might expect to hear something of the persistence of some fundamental problems, common to both philosophy and economics, and differentiating themselves through the various periods of history; might expect to learn what have been the chief crises through which the problem has passed, and the chief types which the solutions have assumed. But no; even here we have the continuous cataloguing: Plato, Aristotle, the Stoics, thought and said this and that; Grotius and Hobbes introduced such and such political concepts; Locke, Hume and the Mercantilists worked on this or that line. As a result, every student of the history of philosophy at least, and I should think most students of economics, will require the book: as a work of reference it is indispensable; it may, with but slight exaggeration, be called encyclopedic in its scope and accuracy. But, for this very reason, few will read it continuously from sheer enjoyment in following the unfolding plot of a continuous history, any more than one would read an encyclopedia in such fashion.

If anywhere there is to be found an exception to this statement, it is in the fifth book. Mr. Bonar's human, as distinct from his scholastic, interest seems to be much fresher in dealing with the nineteenth-century socialists, and with the bearing of the doctrine of evolution upon economics — particularly the latter; and as a result his treatment here is much freer, and what he has to say is much more worth reading on its own account, and not simply for consultation purposes.

This encyclopedic character of the book makes reviewing it in one sense out of the question. It is hardly worth while to give a table of contents; and accordingly, after the nature and

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limitations of the book in general have been indicated, hardly anything remains save to inquire into the accuracy of the particular statements, and the judgment shown in the selection of authors and the proportionate space given them. As far as I have tested Mr. Bonar in these respects, there are but two cases in which I should feel sure that my own judgment marked anything more than the inevitable individual variation. These two cases, however, seem to me almost inexplicable: they are the omission of Rousseau and Comte.[1] Rousseau hardly appears, save as an incident in the development of Locke's idea of natural law and rights; Comte as an incident in the evolution of Stuart Mill's ideas. Yet surely it was Rousseau, more than any other writer, who brought to consciousness the position of the economic forces in social organization as such, and the place of the economic problem in the whole social and political problem. It is fashionable to laugh Rousseau to scorn as pre-historic, and even as anti-historic, in his method of dealing with social questions. Yet, however innocent the *Essay upon the Origin of Inequality* may be of really historic data, its assertions that economic needs and struggles have been the determining force in the evolution of all institutions, set forth (whether the contention be right or wrong) a doctrine too important as theory, and too much *en évidence* in practice to be overlooked. Harrington's *Oceana* is certainly worth notice as an early attempt to state the economic character of history; but it is mere material for the antiquarian compared with Rousseau's doctrine — so much has that been a practically determining force in the social drama of the century. As for Comte, it is true, indeed, that the Germans introduced historic methods and considerations into political economy; but it was the great Frenchman who introduced history bodily.

But the last word must be one of grateful recognition. If Mr. Bonar's book lacks a wide and commanding sweep, it manifests a great sense of the immediate connections and the relevant historical implications of particular writers; its exactness of detail amounts to one of the positive virtues; and it never fails to be suggestive in its discussion of individual authors, — so much so, that a score of monographs could easily be written, developing ideas which are here sketched in outline. In spirit and method, the book is like the best work that we have learned to associate with Germany — save

[1] Since it has been the French, above all others, who have carried over philosophic ideas into the practical region generally, whether of politics or economics, the attention given French authors seems, in general, disproportionately slight.

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that Mr. Bonar has made his 400 pages suffice, while a German might have filled no one knows how many "handbooks" too big to be handled.

JOHN DEWEY.

UNIVERSITY OF CHICAGO.

The Joint Standard. By ELIJAH HELM. London, Macmillan & Co., 1894. — xv, 221 pp.

Mr. Helm's book can hardly be said to warrant its sub-title, which announces it as a "plain exposition of monetary principles and of the monetary controversy." It is in fact an exposition of many more or less related and more or less contradictory arguments for bimetallism, the point on which greatest stress is laid being the importance of the relation between credit and prices.

Mr. Helm claims that the great demand for gold and the uncertainty of supply in the last twenty years, due to the demonetization of silver, have made the metallic basis of credit insecure, and have caused a great contraction in the use of credit instruments. The same fear on the part of the business man that has caused this contraction has brought about a "prevailing mercantile mood" always to sell and never to buy. Consequently, prices have fallen so disastrously as to "involve the industries, the commerce and the finances of the world in a maze of confusion and disorder." The reader might well be pardoned for asking some further proof of such retrograde movement in the use of credit, and of this chaotic and startling confusion in the business world.

But still more does the author overreach himself in the effort to show that the appreciation of gold has brought hardship to everybody. There has been a great increase of production, but every class apparently obtains less and less. The producers and manufacturers get diminished profits, while the laborer's fixed wage is offset by less employment; the debtor has to bear increasing charges, but the creditor suffers equally by the lack of good investments; all this despite the great improvement in the arts and the increase of production. An increasing dividend, with a comparatively constant divisor, is commonly supposed to indicate an increasing quotient; but apparently this mathematical principle does not apply when one is attempting to show that the gold-using countries of the world are fast becoming impoverished, while the silver-using East is growing rich at their expense.

H. C. EMERY.

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Railway Rates and Governmental Control. By MARSHALL M. KIRKMAN. Chicago, Rand, McNally & Co., 1892. — 12mo, 354 pp.

The Railroad Question. By WILLIAM LARRABEE. Chicago, The Schulte Publishing Co., 1893. — 12mo, 488 pp.

National Consolidation of the Railways of the United States. By GEORGE H. LEWIS. New York, Dodd, Mead & Co., 1893. — 12mo, 326 pp.

Compendium of the Transportation Theories. By C. C. MCCAIN. Washington, Kensington Publishing Co., 1893. — 295 pp.

The Union Pacific Railway. A Study in Railway Politics, History and Economics. By JOHN B. DAVIS. Chicago, Griggs, 1894. — 247 pp.

National Railways. An Argument for State Purchase. By JAMES HOLE. London, Cassell, 1893. — 12mo, 385 pp.

Ueber die Entwickelung der Australischen Eisenbahnpolitik. Von MORITZ KANDT. Berlin, Mamroth, 1894. — 263 pp.

The recent condition of the railway problem in the United States has been such as to call forth a whole host of works looking at the question from every possible point of view. The well-known railway official, Mr. Marshall M. Kirkman, has written on *Railway Rates and Governmental Control*, professedly from the standpoint not of the railways, but of an observer and student. Though an effort to write in such a spirit was no doubt earnestly made, and though there are many sensible and just pages in the work, especially the criticism of the extreme views of writers like Hudson, it is very much to be feared that the influence of the book on the public will be very slight. Such statements as this, that "no just ground of complaint against the railroad exists or ever has existed" (page 99), are not likely to inspire much confidence in the author's impartiality. Again, the argument against national ownership in the United States is not strengthened by such manifestly erroneous statements as that the Australian government railways are a failure because they are not profitable, and that Prussian state railways are vastly inferior to the American railways. It is well known that the Australian public would not permit the railways to be run at a profit, but have always demanded lower rates instead of higher profits. And a true statement of the Prussian situation would involve a comparison, not of the Prussian railways with American railways, but of Prussian railways under governmental control at present,

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with Prussian railways under private control two decades ago. Opponents of governmental ownership in the United States only weaken their case by such arguments as these.

On the other hand Larrabee's *The Railroad Question* is interesting as the work of a man who was largely responsible for the drastic railway legislation in Iowa some time ago. Governor Larrabee does not mince matters in discussing Mr. Kirkman's book and goes so far as to explain its animus by stating that the author is a patentee and inventor of the railroad account-forms extensively used in this country. The book abounds in personalities and invective, which, however entertaining, detract somewhat from its would-be scientific character. If Mr. Kirkman endeavors to whitewash the railroads, Governor Larrabee certainly paints them blacker than they are. Although his historical sketch of railroad transportation which occupies over 100 pages might better have been omitted, the account of the Iowa legislation is full of interest. Governor Larrabee naturally objects to everything that the railway managers desire, including pools. Yet when it comes to positive proposals for reform, the author is not quite so extreme as might have been anticipated. He suggests a national bureau of commerce and transportation, with a director-general of railroads at its head. To this bureau all railroad reports and interstate rates should be submitted for approval or revision. When a railroad manager persistently violates the law, he should be removed, just as derelict officials of a national bank are now removed by the comptroller of the currency. But no final reform can be secured, he believes, until railroad officers are prevented from speculating in railroad stocks and from sharing in the profits of special rates. The author does not tell us how this desirable consummation is to be brought about, although he does suggest the rather quixotic idea of prohibiting the issue of railway bonds.

In his *National Consolidation of the Railways of the United States* Mr. George H. Lewis advances an entirely new scheme to remedy railway abuses. His plan is the formation of a great national corporation, owning and controlling all the railways of the country and governed by an organization representing the state and federal governments as well as the stockholders owning the road. This, he thinks, will obviate the greatest objection to direct governmental ownership and will tend to satisfy the just demands of each party. The plan is rather more novel than practicable.

An attempt simply to spread information on the subject, without advocating any definite tendency or endeavoring to introduce any

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new plan, is made in the *Compendium of the Transportation Theories*, published under the direction of C. C. McCain. The volume contains a reprint of thirty-four separate articles, all of recent date, by such authorities as Messrs. Adams, Stickney, Cullom, Dabney, and the various members, both past and present, of the interstate commerce commission. The topics treated are almost all of contemporaneous interest, and the volume will be found a very convenient work of reference on the subject. It is to be followed by another volume on the same general principles.

In *The Union Pacific Railway*, Mr. John P. Davis has given what is really the first comprehensive account of the history and present position of the bond-aided railway problem. The history is based almost entirely on Congressional documents, and is on the whole fairly and truthfully portrayed. A striking chapter is the one on the Credit Mobilier, in which Mr. Davis points out that the financial methods of the Union Pacific were neither better nor worse than those of all private railways during the sixties and seventies, and that Mr. Oakes Ames must be judged by the standards of his time. The intricacies of the Thurman Act are made clear, and a faithful account of the facts is presented on which to base a judgment of the pending propositions for compromise. Mr. Davis himself maintains a very conservative attitude.

It is difficult to see the need of the book on *National Railways*, by James Hole. It is largely composed of extracts from other writers, and of facts and theories with which all students have recently become very familiar. An exception may perhaps be made of the chapters dealing with Indian experience. As the title indicates, Mr. Hole is a warm advocate of governmental management, and he recurs to the scheme of Williams and Brandon for the application of the principle of a uniform rate for all distances and commodities. As he does not think this possible under private management, Mr. Hole advocates state purchase. The work bristles with inaccuracies of statement and can make no claim to scientific value. It does not even possess the popular qualities of the work on state purchase published seven or eight years ago by Charles Waring.

A less beaten path is traveled by Dr. Moritz Kandt in his work on *Australian Railway Policy*. The author is evidently a young graduate who has received the impetus to the work from Professor Cohn. He has attempted in this first part to trace the history of the railways and railway policy in Victoria, of which he gives an exceedingly interesting and valuable account. Under Gladstone's influence

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Victoria started with private companies. The government at first made land grants, which, however, proved unavailing. Then it attempted the guarantee of dividends. This also turned out to be unsuccessful, and the next step was the construction of new lines by the state. The management of the existing lines was still entrusted to private companies, but the sad experiences with this plan, together with other causes, finally brought about, in 1868, the period of state ownership and management throughout Australia. Dr. Kandt betrays a youthful energy in swelling the bulk of his work, and goes rather far afield occasionally, as in his unnecessary chapters on the early history of Australia and Victoria, and the unduly comprehensive bibliography. But to those who know how to separate the wheat from the chaff the book will be a really valuable acquisition. In the succeeding monograph the author proposes to describe the recent history and present working of the Australian railways.

E. R. A. S.

Histoire de la Participation de la France à l'Établissement des États-Unis d'Amérique. Par HENRI DONIOL. Tome cinquième. Paris, 1892. — 4to, 721 pp.

The eight chapters that, together with documents and correspondence, compose this volume, complete the author's monumental work on the French intervention in the affairs of America in support of the independence of the United States. At this stage of the subject we are brought to the consideration of the treaty of peace and of the relation of France to that transaction. It is well known that the instructions of the American commissioners directed them to carry on their negotiations with England in concert and coöperation with the government of France. By the treaty of alliance of 1778 between the United States and France, it was provided that neither party should conclude "either truce or peace with Great Britain without the formal consent of the other first obtained." The American commissioners, however, concluded the preliminary articles of peace (which were afterward turned into a definitive treaty) without consultation with the French government. This proceeding led Vergennes, when he became cognizant of what had taken place, to indulge in strong reproaches. "I am at a loss, sir," he said, in a letter to Franklin,

> to explain your conduct and that of your colleagues on this occasion. You have concluded your preliminary articles without any communication

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between us, although the instructions from Congress prescribe that nothing shall be done without the participation of the king. You are about to hold out a certain hope of peace to America without even informing yourself on the state of the negotiation on our part. . . . I am not desirous of enlarging on these reflections; I commit them to your own integrity.

Franklin's reply to this note is one of the most skillful and adroit compositions to be found in the records of diplomacy. Nothing has been agreed in the preliminaries, he says, contrary to the interests of France; yet the American commissioners have, he admits, "been guilty of neglecting a point of *bienséance*." This he hopes the king will excuse, so that the great work, so nearly brought to perfection, may not be "ruined by a single indiscretion of ours." Moreover, the English, he "just now" learns, "*flatter themselves they have already divided us*." He therefore hopes that "this little misunderstanding" will be "kept a secret, and that they will find themselves totally mistaken." This letter of Franklin's was not only skillful and adroit, but it was magnanimous; for it was owing to the position of Adams and Jay that the negotiations were kept a secret from the King of France and his ministers.

The position of Adams and Jay, and their intense suspicion of the French court, forewarn us of the temporary character of the French alliance. Up to the declaration of independence they were British subjects, with all the prejudice that that fact then implied against France and her government. And now, as peace approaches, the old feelings revive, and they are distrustful, not of the British, their enemy, but of the French, their ally. "Mr. Jay," says John Adams in his diary, under the date of November 5, 1782, "likes Frenchmen as little as Mr. Lee and Mr. Izard did. He says they are not a moral people; they know not what it is; he don't like any Frenchman; the Marquis de Lafayette is clever, but he is a Frenchman." This entry was made only a week before the signature of the preliminary articles of peace.

Among the circumstances that inflamed this instinctive prejudice of Adams and Jay and aroused violent suspicions on their part as to the good faith of the French court, perhaps the most important was a visit paid by Rayneval, of the French foreign office, to England, in September, 1782. Rayneval went as the agent of Vergennes, and between the 13th and the 20th of September he had various conferences with Lord Shelburne and Lord Grantham. Mr. Jay suspected, and Mr. Adams shared his suspicions, that the object of Rayneval's mission was to retard the acknowledgment by Great Britain of

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American independence, and to defeat the concession of the claims of the United States as to the fisheries. Doniol lays before us the complete text, which Sparks saw in the French archives, of Rayneval's confidential reports to Vergennes of his conferences. They contain little on American questions; but they show, as Doniol says, the scrupulous loyalty of Louis XVI and Vergennes in their conduct toward the United States. In his first conference with Lord Shelburne, Rayneval, in conformity with his instructions, declared that the recognition of the independence of the United States "without restriction" was an essential condition of negotiation, which must be considered as agreed upon; and subsequently he refused, again in conformity with his instructions, to discuss the claims of the United States to the fisheries, in regard to which he was not authorized to treat.

A collection is printed in this volume of the correspondence of Count Rochambeau from the beginning of his command in the United States to the end of the campaign in Virginia.

J. B. MOORE.

Town Life in the Fifteenth Century. By Mrs. J. R. GREEN. New York and London, Macmillan & Co., 1894.—xiv, 441, 476 pp.

A good history of English boroughs has long been needed. The works of Brady, Madox, Merewether-Stephens and Thompson are fragmentary, unscholarly or antiquated. Mrs. Green attempts, in a measure, to supply this want; her work really deals with the history of English boroughs from the Norman conquest to the close of the middle ages. In the first volume she considers the external relations of the towns to the king or manorial lord; the second is devoted mainly to the internal development of municipal government. She has made little use of the manuscripts in the town archives, but she has turned to account most of the material in print. This material, though only a fragment compared with what remains unprinted, is quite abundant, and the references in Mrs. Green's foot-notes show that during the past ten or fifteen years many of the muniments buried in local repositories have been made accessible to the historical student.

The main defect of her work is that it either presents isolated pictures of the development of particular towns, or goes to the other extreme of making broad generalizations based on meagre data. We have thus a combination of the methods and the defects of Thompson on the one hand and Merewether-Stephens on the other,

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though Mrs. Green's work, as a whole, is without doubt superior to that of her predecessors. Her exaggerated statements regarding municipal independence and self-government find their refutation in the facts presented in her own pages. For example, in Chapter XII of Volume I, after dilating on the immense authority exercised by the royal warden at Dover over the Cinque Ports in taxation and other matters, and after telling how they were frequently harassed with royal inquisitions, she tries to make us believe that this complete subjection to the crown was outweighed by the right of the Ports to assemble near Romney to supervise the Yarmouth herring fair. Though she has much to say of their "democratic temper," "independence and self-government," she finally admits that "this group of favored towns does not seem to have made the slightest advance on other English boroughs, either in winning an earlier freedom or in raising a higher standard of liberty." Many of her generalizations seem to be based upon data derived from a single town; for example, the statement that when the burgher's life was over, the son who inherited his property appeared before the bailiffs within forty days to deliver up to them his father's sword and take the freeman's oath (I, 171). Again, on page 138 of the same volume, we are informed that "representatives chosen by the burghers kept one or two of the keys of the common chest, which could only be opened, therefore, with their consent"; her reference to Worcester is not an adequate basis for this general statement.

There are other questionable generalizations of much more importance regarding the development of municipal government and of gilds, which, owing to lack of space, cannot be here refuted in detail. I will content myself with a few remarks concerning Mrs. Green's most novel deduction, namely, that regarding the signification of the terms *communitas* and *burgenses*.

> In the town records we find these two words used from first to last in a precise and formal manner which is most characteristic of the middle ages; each one having its own character and meaning, and neither of them invading the place of the other. As far back as the thirteenth century "the Burgesses" already appear as distinct from the commons at large, and use their title with an official and technical significance attached to the phrase which gives it a special value. The use of the word in charters and deeds seems then to denote the corporate body of citizens . . . who were represented by the official body of the town which acted in their name, and especially assumed the title of "the Burgesses." But behind this corporate body lies the "communitas" — a term which has a far earlier origin and a far deeper meaning. . . . It carries the mind far back to the primitive

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society of householders in the ville, bound by mutual ties and protected by customary rights, which had preceded the free borough, . . . which might have its common seal separate from the mayor's seal, which held property and exercised certain powers . . . [It was] endowed with prerogatives on which neither mayor nor council dared to lay their hands. . . . Here [in Norwich] and elsewhere "cives" was the term used for the corporate body of citizens possessing chartered rights; while "communitas" stood for the citizens in another aspect, as the community which held property and enjoyed privileges by immemorial custom, before the charter of a free borough had been obtained. [II, 231–233, 368.]

We must infer from these and other passages in her book that she makes the "burgesses" or "citizens" of the thirteenth and later centuries identical with the official caste or ruling council as distinguished from the *communitas*, the commons or body of townsmen; at the same time she seems to contend that the *communitas* was not the *populus*, or mass of inhabitants.

Communitas is such an elastic term that it is dangerous to base arguments on its use in mediæval records; it is easy to juggle with the word. Almost any body of persons might vaguely be called a community then as now — whether they formed a gild, a monastery, a manorial village, an aggregation of Jews, the people of a county, the whole commons of the realm, the inhabitants of a borough or the corporation of a municipality. To support her doctrine, Mrs. Green says that in some towns there was a mayor's seal distinct from the seal of the community (*i.e.*, of the commons), but she fails to prove that the latter was not the ordinary seal used by the officials of the borough in municipal transactions; the corporate body might have different seals for different purposes. There are numerous passages in municipal records which show that Mrs. Green's distinction between burgesses and *communitas* is untenable. For example, in speaking of Bristol in 1312 a chronicler says: "Obstitit communitas asserens burgenses omnes unius conditionis esse"; here "burgesses" cannot mean a ruling or official caste, a narrow corporation of privileged persons. It is even easier to prove that *communitas* was often applied to the corporate body of the town; it will suffice to refer those seeking evidence on this point to the footnotes in Chapter VI of Madox's *Firma Burgi*. In the thirteenth century a borough had no official or corporative style; in transactions which concerned the whole municipality such terms as "community," "men of the town," "citizens" or "burgesses" were used interchangeably. Later in the middle ages, in towns governed by a close corporation, the term *burgenses* or *cives* was doubtless often

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employed in the narrow sense of members of the ruling body, while *communitas* was often applied to the commons. In many boroughs the mass of the householders continued to retain certain rights in common lands long after the oligarchy had secured supreme power, and in some places the commons strove to regain the participation in town government of which they or their ancestors had been deprived; but there is no evidence that the commons were a quasi-corporate body possessing a common seal and a large measure of peculiar privileges, or that the term *communitas* was applied to them exclusively.

CHARLES GROSS.

HARVARD UNIVERSITY.

The Talcott Papers. Correspondence and Documents (chiefly official) during Joseph Talcott's Governorship of the Colony of Connecticut, 1724–41. Edited by MARY KINGSBURY TALCOTT. Vol. I, 1724–36; Vol. II, 1736–41. Published by the Connecticut Historical Society, Hartford, 1893–94. — 800 pp.

The correspondence of a colonial governor is not usually of sufficient legal or economic consequence to call for extended notice in this review. The collections of state historical societies so often treat of local — even of family — matters, of so much more interest to genealogists and antiquarians than to historians and economists, that they have not been much used by the scientific student. The volumes before me, however, are of a different character; they contain a series of colonial papers relating to New England from 1724 to 1741, covering the official correspondence of the colony of Connecticut, not only with officers and individuals within its own borders, with governors and prominent merchants in New York, Massachusetts Bay and Rhode Island, but also with the colonial agents in London, the board of trade, the commissioners of customs, the privy council, *etc.* In addition the editor, with admirable purpose, has inserted wherever possible copies of other documents necessary for completeness. These are to be found in large numbers in the appendices. The collection becomes, therefore, a valuable body of state papers, which throw light upon an obscure period of our colonial history, and bring to knowledge issues and controversies too little appreciated by students and readers.

The period concerned was neither picturesque nor politically exciting, yet it was a period of important changes in economic environment and economic ideas. The issues dealt with in the

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Talcott Papers were not local; questions of law, trade, commerce and finance were undergoing discussion and the vital problem of the relation of the colonies to the home government was in process of solution. The discussion in the *Talcott Papers* relates to Connecticut, but in the mind of the home authority all the proprietary and charter governments were classed together. The attempts to vacate Connecticut's charter were a part of that larger struggle, which lasted from 1701 to 1740, to bring all the colonies into an equal dependence on the crown. For a history of this struggle one will look in vain in any of the histories of the colonies, yet it occupied at the time a position of prominence and it had consequences out of all proportion to the present neglect of it. For an understanding of this struggle, so far as it related to Connecticut, the *Talcott Papers* may be studied to advantage. They discuss important legal and constitutional points involved in the controversy; they show the economic conditions of the colony, the importance of its charter, the relations with surrounding colonies; they give indications of the opinion of the board of trade, of the crown lawyers, of the privy council, of Parliament itself. The student who will examine these two volumes in the light of general colonial history and of English constitutional history of the eighteenth century will find himself richly repaid. In the domain of law, economics and finance there are papers of very considerable importance. These cover a variety of questions, such as the principles governing land settlement in a new country; the growth of manufactures; the encouragement of naval stores; the extension of admiralty jurisdiction; emission of bills of credit; values of colonial money; maintenance of the Acts of Navigation; importation of negroes; duties of naval officers; the right of appeal; the interpretation of the charter, *etc.* The value of the evidence lies not in the mere facts given, which are important in their way, nor in the absolute accuracy or economic soundness of the arguments brought forward, but in the insight given into the changing ideas of the colonists, the influence of economic forces and the colonial attitude toward English law.

Some of the documents have been printed before, as for example, Governor Talcott's letter to the Bishop of London (I, p. 64), but such reprints are rare. One matter is worthy of a few words of caution. Two of the documents, the Petition of the Agents of the Colony to the King (I, p. 187) and the Memorial of Winthrop (I, Appendix) are printed from copies sent to the colony by the agents in London. In each of these cases there are noteworthy variations

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from the original sent to the committee of the council, a copy of which was transmitted by the council to the board of trade. In the case of the Petition the difference is remarkable. The colony's copy reads: "that you would be pleased to give leave that a Bill may be brought into this present Parliament of Great Britain to confirm," *etc.* (I, p. 190). The copy that was actually sent to the king reads: "your Majesty to be pleased by your own Order in Council to confirm," *etc.* (B. T. Papers. Proprieties R. 108). Any student of constitutional history will appreciate the fundamental nature of the variation. In the case of the Memorial there is one considerable addition, one considerable omission and an important rectification of what appears to be a copyist's error. (On p. 394, line 29, for "by-laws" read "no laws.") I would not lay too great stress upon these differences, but it shows that in matters of controversy with the home government the copies of papers sent to the colonies cannot always be relied upon. Such papers should be collated with the originals whenever possible, for the latter were the versions according to which the home authorities acted.

The index is good, but might be better. Of the papers mentioned above, the letter of Talcott to the Bishop of London is not indexed at all, and Belcher's Petition will be looked for in vain under "Belcher," "Dummer" or "Petition"; it is found, however, under "Entestate Estate Law." The reference to Cadwalader Colden should be 247 n, not 249 n.

CHARLES M. ANDREWS.

BRYN MAWR COLLEGE.

Massachusetts: Its Historians and Its History. By CHARLES FRANCIS ADAMS. Boston and New York, Houghton, Mifflin & Co., 1893. — 110 pp.

Mr. Adams assumes the underlying principle of all historical development to be the same — the "emancipation of man from superstition and caste." The emancipation from caste, through the struggle for equality before the law, is purely a product of the last four centuries; religious toleration is a revival, the world having "struggled painfully back to where it was when Paul preached on Mars Hill." The inquiry with which this little book concerns itself is: What part has Massachusetts played in this drama of development? Has it been to her credit? Has she consistently maintained it through the shifting scenes, and how have her historians interpreted her actions?

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As to the struggle for civil and political liberty, there is little to say; from the founding of the colony to the close of the last great struggle in 1865, "the record of no community" says Mr. Adams, "seems to me more creditable, more consistent, nor, indeed, more important than that of the community composing the Commonwealth of Massachusetts." But he finds it quite otherwise as regards religious toleration. "So far from winning laurels in that struggle, her record in it is in degree only less discreditable than that of Spain." The period from 1637 to 1760, which Mr. Adams, with a fondness for geological metaphors, aptly calls the glacial or ice age, was one of almost unrelieved intolerance. In the judgment pronounced upon Mrs. Anne Hutchinson and in the declarations of the Synod of 1637, the final and definite stand was taken against religious toleration, and liberty of conscience was condemned in the most emphatic terms. The attitude of the New England churches during this century of deepest gloom is thus well expressed by the Rev. Nathaniel Ward in 1647: "It is said that Men ought to have Liberty of their Conscience, and that it is Persecution to debarre them of it: . . . it is an astonishment to think that the brains of men should be parboyl'd in such impious ignorance." During this period, especially till 1680, persecution was rampant; Antinomians, Quakers, Baptists and other heretical sects experienced the full measure of Puritan severity. Truly "a deep night of conventional, old-time theology ensued." The intellectual life of the colony, except as restricted within the narrowest limits of a morbid theology, was dead. Cotton Mather and Jonathan Edwards were "vast glacial boulders." Massachusetts was in a rut from which escape seemed impossible.

What, then, saved the colony from permanent stagnation and the fate of China? Two facts, which have as yet been properly appreciated by no New England historian except Mr. Adams: first, the vigorous political activity of the community; second, the constant friction between the orthodox theologians and the persecuted sects, which tended, however slightly, to force the churches out of the ruts. The heretics are aptly likened to the dogs that worry the freezing man out of the death-stupor. Mr. Adams might have added a third fact, perhaps even more powerful than those he mentions: the faith of the New Englanders in education. Harvard College was founded within a very few years after the arrival of the first settlers.

In 1680, a slight gleam broke through the darkness in the enforced toleration of the Church of England; but this was most reluctantly

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acquiesced in and was looked upon with horror. Even as late as 1780, a modified form of toleration was all that could be secured by the first state constitution, and it was not till 1833 "that complete liberty of conscience was made part of the fundamental law."

Mr. Adams unhesitatingly reads the record aright as to early intolerance in Massachusetts, but he fails to go back far enough for the beginnings of this policy. Referring to the Synod of 1637, he says:

> As the twig is bent, the tree inclines. The Massachusetts twig was here and then bent; and, as it was bent, it during hard upon two centuries inclined. The question of religious toleration was, so far as Massachusetts could decide it, decided in 1637 in the negative. On that issue Massachusetts then definitely and finally renounced all claim or desire to head the advancing column, or even to be near the head of the column.

The twig had been bent before; the tree was already inclined; the true meaning of the crisis of 1637 is that the spirit which led John Winthrop and his associates to give up comfort and civilization for hardship and a wilderness had relentlessly triumphed over the first serious attempt to introduce a more liberal policy. Such a triumph should be no surprise to one who understands the motives of the founders in coming to the new world. They looked upon themselves as the bearers of the true light, the exponents of the true faith; they believed that they were entrusted with a sacred mission, and that mission was to lay the foundation of a new commonwealth deep in the principles of the Christian religion as interpreted by the most rigid Calvinism; every obstacle that stood in the way was to be mercilessly set aside. Guided by such motives in 1632, the suffrage was limited to church-members; in accordance with the same policy, Roger Williams was banished in 1635; if the same principles were to continue to rule, if the Puritan commonwealth had the right to survive as established, the Antinomian controversy could have had but one ending — the banishment of all who persisted in the heresy.

Mr. Adams is rather extreme in his conclusion that the ice age in Massachusetts was altogether an evil, that it was "no more a necessity, or a thing good in itself, than it would have been for Holland or England had Philip II or Charles I prevailed." Serious questions arise in this connection. Were not some of the best traits of Puritan character due to this very rigid, jealous theology, — traits of character which turned the development of civil government along lines that cultivated resistance to aggression and hastened the Revolution? Did not the Puritan churches, in which every man

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stood on an equality with his neighbor, aid in the development of a democracy, and become, to some extent, at least, the source of the political activity of the town meeting? Did not the independent spirit of the different congregations serve to cultivate that jealousy of central institutions which finally made America independent? These questions deserve at least thoughtful consideration before we accept Mr. Adams's conclusion.

Finally, how have Massachusetts historians interpreted the record? Mr. Adams thinks that

> we, in the matter of historical work, are yet in the filio-pietistic and patriotic stage of development. "Ancestor worship" is the rule, and an excellent illustration of the results to which that worship leads those given to it is afforded in the treatment which has been accorded to that portion of the Massachusetts record which relates to religious toleration. It is not too much to say that the resources of sophistry and special pleading have been exhausted in the attempt to extenuate it or explain it away.

He objects in the strongest terms to any laudation of the Massachusetts leaders by those who would load Philip II with execrations for acting upon the same motives. On the whole, not the least valuable feature of Mr. Adams's work is its vigorous protest against the all-prevalent ultra-provincial treatment of Massachusetts history.

COLUMBIA COLLEGE. LESTER G. BUGBEE.

Les Ministres dans les Principaux Pays d'Europe et d'Amérique. By L. DUPRIEZ. Two volumes. Paris, J. Rothschild, 1893. — xvi, 548, viii, 544 pp.

This work received the Odilon-Barrot prize, awarded by the Academy of Moral and Political Sciences for the best monograph on the rôle of ministers in modern states. The author is professor at the University of Louvain, Belgium. He has treated his subject rather from the point of view of the lawyer than from that of the politician. At the same time, he has had enough of the instinct of the statesman and student of political science, to see the importance of going beyond the mere text of the laws, of studying those usages and customs which supplement and modify them, and especially of considering the results of the party organization in the various countries.

The author classifies the governments studied into (1) constitutional monarchies, which he treats in Volume I, embracing Great Britain, Belgium, Italy, Prussia and the German Empire, and (2)

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republics, which he treats in the second volume, embracing the United States in its federal organization, Switzerland and France. As is quite natural in view of the fact that the monograph was submitted to a French jury, he treats most fully of the institutions of France, devoting to them more than half of one volume.

M. Dupriez's classification, while a perfectly obvious one, is, at the same time, hardly the most scientific that might have been adopted. At the present time, the governments of states are differentiated rather according to the relation of the executive to the other branches of the government than from the point of view of the hereditary or non-hereditary character of the executive. The author recognizes this fact in the concluding remarks which are appended to the second volume, where he says that the nature of the rôle played by ministers depends very little upon the form of the government. And in these concluding remarks he adopts a much more scientific classification, including in his first class only the United States, where the principle of the separation of powers has been most powerful, and in his second class, the Prussian and German constitutions, where the powers of government are distinguished, it is true, but not so thoroughly, and where the royal power is preponderant. This latter class he calls personal government. In his third class he includes those countries which have adopted parliamentary government, that is, a system where no emphasis has been laid upon the separation of powers, and in which the parliament, rather than the crown, is the preponderant power. The government of England is the type of this class, and under it are included also France, Belgium and Italy. In his fourth class, he places the constitutions whose type is Switzerland, where the powers of government are completely confused. This classification seems to be one of the most valuable features of the work, and it is to be regretted that more emphasis is not laid upon it. Had it been made the basis of the work; had the treatment of the various countries been made in accordance with it: a far greater impression would have been made upon the mind of the reader.

M. Dupriez has, however, in the classification which he has adopted, treated the subject with great thoroughness; indeed, he has gone, in some cases, quite far afield, and has embraced, not only the rôle of the ministers, but also, with a clear sense of what is necessary to an adequate comprehension of their powers, a sketch of the entire system of administration. He thus treats in all cases of the relations of the central administration to the various

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localities, and gives, for the space which it occupies, a most satisfactory description of local institutions. It is scarcely surprising that in covering so great an amount of ground, he has been guilty of faults both of omission and commission. Thus in his treatment of the local governmental institutions of England, he fails to lay sufficient emphasis upon the administrative control which has been adopted as a result of the new system of local administration inaugurated by the Poor Law Amendment Act of 1834, and developed in various subsequent acts. On page 147 of Volume I, he seems to have forgotten that the Local Government Act of 1888 still provides for a governmental certificate of efficiency in order that the subsidies granted by the central government may be distributed by the new county councils. Again, on page 148, he says that "the local authorities are almost free from central control, with the exception of the school board and the sanitary authorities and some others." As a matter of fact, there is probably no country where the central administrative control over matters of central interest is stronger than it is at the present time in England. Again, in speaking of the annual budget of Prussia, and of the necessity of the annual vote of taxes, he forgets that Article 109 of the Prussian constitution, to which he makes no reference, provides that in case of disagreement between the crown and parliament, the taxes shall continue to be levied in accordance with the provisions of the permanent law by which they are established.

In regard to the United States government, he has made a serious mistake where he says that the President of the United States is, like any other officer, responsible before the courts (II, 46). As a matter of fact, the United States courts have, in several instances, either strongly intimated or positively held that the President of the United States is, during his presidential term, free from any judicial control; that the only control in our system of government which may be exercised over the president is that provided for by the power granted to the House of Representatives to impeach him, and that given to the Senate to convict him on impeachment. Such mistakes as these are not numerous, however, when the immense amount of work which M. Dupriez has done is considered, and they do not detract very largely from the value of the book.

As a rule, the style is clear and attractive, and the author has taken considerable pains, in various parts of his work, to sum up the result of his study. Perhaps no better example of this could be given than his analysis of the position of the Italian ministry. He says:

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The Italian ministry has evidently not fulfilled efficiently the triple mission of the parliamentary cabinet. It exercises the executive power in the name and under the authority of the king, but it does not always know how to keep the parliament within the limits of its legitimate control, and is obliged to submit to the interference of deputies in administration. It starts the work of the legislative power by the exercise of the right of initiation, and by the intervention of the ministers in the work of parliament, but it often does not possess the necessary authority to bring to a successful issue the reforms which it has undertaken, and the parliament escapes easily from its direction. It attempts to maintain harmony between the two powers, but the repeated checks which it has suffered show how much the work is hindered by the disorganization of parties. [I, 291.]

The author is perfectly impartial in his treatment of the subject, though he frankly indicates his preference for the government of the land in which he lives, and considers that Belgium has made the most happy application on the continent of the principles of parliamentary government. At the same time he acknowledges as frankly that every government must be adapted to the manners and habits of the people, and recognizes as well that what may appear to be a fault from the point of view of pure theory, may be so modified by the peculiar habits and customs of the people of a country as to lead to no evil results. These points are brought out particularly in the concluding remarks, to which reference has already been made. Nothing that he says will give a better idea of his attitude of mind than his comparison of the institutions of the United States and Switzerland:

A consideration of the system of separation of powers and of that of the confusion of powers, if combined with nothing else, would lead one to believe that the former must result in a complete paralysis of the political mechanism, while the other must bring absolutism and the ruin of liberty; nevertheless, the American government has been able to continue more than a century without too great a shock and too sudden a stoppage, while the Swiss institutions have generally given satisfactory results. . . . We believe that we must recognize that the traditions and political education of the people, when combined with happy circumstances, may be sufficient to prevent the dangers of institutions poorly organized, and may supplement their defects and even guarantee to them a permanent success.

I can recommend all who are interested in the study of political science to read carefully the volumes which M. Dupriez has put forth.

F. J. GOODNOW.

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RECORD OF POLITICAL EVENTS.

[From May 11 to November 5, 1894.]

I. THE UNITED STATES.

FOREIGN RELATIONS. — No striking incident in this field has characterized the period under review. Affairs in **Hawaii** developed quietly to a conclusion that ended the tension which had previously prevailed. A convention under the auspices of the provisional government, and from which all adherents of the monarchy were excluded, framed in June a constitution, which was proclaimed to be in force on July 4, with Sanford B. Dole as president. On the 7th of August President Cleveland, in an official letter to President Dole, gave formal recognition to the Republic of Hawaii. The new constitution expressly empowers the president at any time to negotiate a treaty of political or commercial union with the United States. — The treaty with China, regulating the immigration of Chinese laborers, which was submitted to the Senate last March, was ratified by that body, August 13, by a vote of 47 to 20. — The revolution in Salvador, by which the existing government was overthrown in June, gave rise to some new incidents in the familiar practice of asylum. Several adherents of the unsuccessful party, including the brother of ex-President Ezeta, took refuge on the United States cruiser *Bennington*, which brought them in August to San Francisco. Here they were arrested on charges of murder and robbery brought by the new government of Salvador, which demanded their extradition. On examination before the federal court, however, all but one of the prisoners were released, on the ground that the offenses charged, having been incidental to the war then flagrant, fell fairly within the category of political offenses. — The Canadian sealers who, under the decision of the Paris arbitration, had claims against the United States on account of seizures of their vessels, agreed in September to accept the offer of $425,000 in full settlement. — On the 9th of May the president communicated to the Senate, in response to a resolution of that body, a report of the secretary of state on the condition of **affairs in the Samoan Islands**. This report presented a review of our policy toward Samoa both before and since the adoption of the General Act of Berlin, of June 14, 1889, by the United States, Germany and Great Britain (see this QUARTERLY, V, 357). After declaring that "it is in our relations to Samoa that we have made the first departure from our traditional and well established policy of avoiding entangling alliances with foreign powers in relation to objects remote from this hemisphere," the report maintained that nothing had been gained by this departure "beyond the expenses, the responsibilities and the entangle-

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ments that have so far been its only fruits." The events of the last five years were narrated, showing a chronic state of war and civil disorders in the islands. The government established under the General Act of Berlin was exhibited as cumbersome, expensive, inefficient and destructive of Samoan independence and autonomy; and the secretary declared that that arrangement, "besides involving us in an entangling alliance, has utterly failed to correct, if indeed it has not aggravated, the very evils which it was designed to prevent." The latest advices from the island are to the effect that war still continues.

INTERNAL ADMINISTRATION. — **The condition of the treasury** during the summer excited some uneasiness. Heavy exportations of gold during May and June drained away all the proceeds of the bond issue of the preceding February, and on June 22 the gold reserve was down to less than $62,000,000. At this juncture the New York banks, whose gold holdings had increased as the treasury's diminished, came to the aid of the government and voluntarily supplied from their own vaults the export demand. The general cash balance of the treasury was also very low at this time and rumors gained currency that the payment of matured obligations was being postponed by the administration. On June 25 President Cleveland made a public denial of the truth of these rumors and asserted that there was no cause for apprehension as to the treasury's prospects. So long as the uncertainty over the Tariff Bill lasted, customs receipts continued to be very small, and the narrowness of the cash margin caused more or less embarrassment. In the latter part of July, however, the taking of whiskey out of bond to anticipate the increase of the tax swelled the revenue considerably. The gold reserve, meanwhile, was reduced to about $54,000,000; but in August the demand for export gold died out, and the balance on October 31 was again at about $62,000,000. The expenditures at that date, however, were still running much ahead of the receipts. — At the end of the fiscal year, June 30, it appeared that some $25,000,000 out of **the pension appropriation** of $165,000,000 remained unexpended. This was taken as an indication that the maximum expenditure under existing law had been passed. The expenditure of the preceding year was $158,000,000. 39,085 new names were added to the roll in 1894, but the net increase was only 3532. In July the secretary of the interior reported to Congress that up to May 10 the suspension policy of the present administration had resulted in about 15,000 suspensions, of which some 2600 were dropped, 3014 were restored at reduced rates, and about 9500 were restored at the old rates. — A general **amnesty to Mormons** guilty of polygamy was granted by a proclamation of the president September 27. The pardon was based on the action of the Mormon Church in withdrawing its sanction from polygamy and on evidence satisfactory to the president that the adherents of that church generally abstained from plural marriage; and the amnesty was granted subject to the condition of future obedience to the laws on that subject. — Postmaster-General Bissell issued in June a circular

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letter to postmasters calling their attention to the order of President Cleveland of July 14, 1886, restraining the activity of federal officials in partisan politics, and admonished the recipients to give heed to the prohibitions therein contained. — On November 3, President Cleveland issued orders for a very considerable **extension of the classified service** in the administration. The effect is to make subject to the Civil Service Commission's rules, (1) all employees in the customs service except laborers, in districts in which there are as many as twenty such employees, (2) all messengers and watchmen in the departments at Washington, (3) some 1500 hitherto excepted places in the Post Office Department, and (4) a number of such places in the Agricultural Department and the Indian service. Altogether, over 2800 places are included in this extension. Moreover, the old rule is revoked which permitted the transfer of employees, after a year's service, from excepted to non-excepted places without competitive examination.

CONGRESS. — Besides the discussion and passage of the Tariff Bill, considered below, comparatively little was accomplished by Congress, which remained in session till August 28. The enabling act for the organization and admission of Utah as a state, having already passed the House, was adopted by the Senate July 11, and became law by the president's signature, July 17. Among the more important propositions that failed to become law were: The repeal of the tax on the note-issues of state banks — rejected by the House, June 6, by 172 to 102; the Hatch Anti-Option Bill — passed by the House, June 22, but not acted upon by the Senate; a bill to prevent the entrance of alien Anarchists into the United States, and to provide for inspection of all immigrants at foreign ports — passed by the Senate, August 6, but not taken up by the House; and an amendment to the constitution providing that senators be chosen directly by the people — passed by the House, July 21, by 137 to 49, but not acted on in the Senate.

THE TARIFF. — The bill which was before the Senate at the close of the last RECORD was debated in that body until July 3, when it passed by a vote of 39 to 34, a single Democrat, Hill of New York, and a single Populist, Peffer of Kansas, going with the Republicans in the minority. From the part taken by the senator from Maryland in conciliating the factions of the majority to the support of this bill, it was commonly known as the **Gorman Compromise Bill.** It embodied 634 amendments to the Wilson Bill, which had been passed by the House. In the conference committee to which these differences were referred, the same diversity of views was conspicuous which had determined the course of the majority in the Senate, and on the 19th of July the conferrees reported a failure to agree. The crucial points of controversy were the provisions as to iron and lead ores and coal, some items in the schedules of woolens and of iron manufactures, but above all the sugar schedule. In contrast to the free sugar of the Wilson Bill, with gradual repeal of the bounty, the Senate had, after several changes, adopted an immediate total repeal of the bounty and a general duty of forty per cent *ad valorem*, with an addition of one-eighth of

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a cent per pound on refined sugar, and one-tenth of a cent more if it came from a country which paid an export bounty. This scheme the House conferrees held to involve exceptional advantages to the Sugar Trust, whose interest in the schedule had already given rise to much feeling and some scandal. But the Senate conferrees insisted that the narrow majority in the Senate rendered hopeless the adoption of any report which did not embody the exact provisions of the Gorman Bill on this, as well as all the other leading matters at issue. President Cleveland entered into the controversy at this stage by permitting the publication of a letter which he had written to Mr. Wilson, of the House conferrees, under date of July 2. In this he expressed the conviction that the Senate bill fell far short of what was demanded and expected by the Democratic Party; declared the principle of free raw materials one that could not be compromised, and denounced as "inconsistent absurdity" the retention of duties on iron ore and coal, while wool was made free; but suggested that "we ought not to be driven away from the Democratic principle and policy which led to the taxation of sugar by the fear, quite likely exaggerated, that in carrying out this principle and policy we may indirectly and inordinately encourage a combination of sugar-refining interests." The president's letter called forth very vigorous replies from Mr. Gorman and other Democratic senators who conceived that their motives and conduct were impugned by some of its assertions, but it had no effect on the Senate's position. The disputed points were again referred to the conference committee by both houses, and after several weeks more of controversy the House yielded. In accordance with an understanding reached in a Democratic caucus, the House, on the 13th of August, agreed with practically no discussion to all the Senate amendments, by 181 to 105 — thirteen Democrats in the negative. Then without adjourning, the House passed distinct bills putting on the free list coal, iron ore, barbed wire and all sugars. These latter bills, having served the apparent purpose of clearly recording the opinion of the House, were reported, with some amendments, to the Senate by its finance committee, but received no further attention. The secretary of the treasury gave it as his opinion that the passage of the bills would result in a deficit in the revenue. The Gorman Bill became law August 28, without President Cleveland's signature. In a letter to Representative Catchings the president explained why he would not sign the bill. His objections were substantially those that he had indicated in the letter of July 2 to Mr. Wilson, while at the same time he declared himself unwilling to be separated from his party to the extent that might be implied by a veto. **Important features of the new law** are as follows, the figures being those of the Senate finance committee: 106 articles dutiable under the McKinley Act put on the free list, including copper ores and pig copper, lumber, binding twine and cotton bagging, wool, paintings and statuary; seven articles reduced by from seventy-five to one hundred per cent of the previous rate, including the cheapest grades of woolen yarns and cloths; 112 articles reduced by from

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fifty to seventy-five per cent, including some manufactures of iron and wool, lead in ores and in pigs, and silk in the first stages of manufacture; 367 articles reduced by from twenty-five to fifty per cent, including coal, most of the items in the earthenware and glass schedule, iron ores and pig iron, and most manufactures of iron and of wool, tin and tin plates, eggs, potatoes, hops, cheese and other agricultural products; 238 articles reduced by less than twenty-five per cent, including steel rails, cigars, cigar wrappers and cigarettes, and many items of the cotton schedule; 128 articles left unchanged, including tobacco, wines and books; and an increase of duty on fifty-three articles, which include raw sugar and molasses, with eight other articles that were previously on the free list. The internal-revenue features of the act remained substantially the same as in the Wilson Bill (see last RECORD, p. 355). The income-tax sections were recast, but without great modification in effect, and the excise on distilled spirits was raised from one dollar to $1.10 per gallon. Senator Hill of New York made a vigorous fight against the income-tax provisions, but his motion to strike them out was lost, June 28, by a vote of 23 to 40, only two other Democrats joining him in the affirmative. — **The fate of reciprocity** was settled by a clause repealing the retaliation provision of the McKinley Act (see this QUARTERLY, V, 731), but continuing existing commercial arrangements with foreign governments so far as not inconsistent with the new act. The immediate effect of this clause was to terminate the retaliatory duties which had been put in force against Hayti, Venezuela and Colombia, and which had practically ended importation from those countries. Spain early in September cancelled the reciprocity agreement in respect to Cuba, the removal of sugar from our free list constituting the ground for the act. Brazil gave notice at the end of the month that her agreement would cease on January 1, and similar action is expected on the part of other governments. — Rumors and press **accusations of bribery** in connection with the sugar schedule in the Senate led to the appointment in May of an investigating committee. While no case of bribery was proved, the evidence taken by the committee did reveal that at least two senators had been engaged in speculating in Sugar Trust certificates while the bill was before the Senate, and that the trust had regularly contributed to the campaign funds of both the Republican and the Democratic parties.

THE FEDERAL JUDICIARY. — A number of important decisions were rendered by **the supreme court** on May 26. In Interstate Commerce Commission *vs.* Brimson, the court reversed the decision of Judge Gresham (see this QUARTERLY, VIII, 383) and upheld the constitutionality of section 12 of the Interstate Commerce Act, by which the federal courts are directed to aid the commission in securing information from witnesses. In Bridge Co. *vs.* Kentucky, a state law regulating the toll on bridges across the Ohio River at Cincinnati was declared invalid, as an unconstitutional assumption of authority over interstate commerce. In the Texas Railroad Commission Cases, the court held that the power of the state commission to fix schedules

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of rates was valid, so far as the rates were just and did not result in a loss to the railways, but that it was competent for the federal courts to restrain the application of schedules that failed to conform to these conditions; the action of the circuit court in restraining the application of an existing schedule was accordingly sustained. — **The circuit courts of appeals** have also adjudged a number of important cases in which their jurisdiction is final. On a suit for damages against the city of New Orleans by the relatives of the Italian subjects who were killed in prison by the mob in 1891, it was held, that by the treaty of 1871 Italians resident in this country are entitled to only the same degree and kind of protection as citizens; that neither by common law nor by any statute was the city liable for loss of life in riots; and that accordingly no remedy in civil damages existed. On October 1, at Chicago, the court, in Arthur *et al. vs.* Northern Pacific Railway, modified the decision of Judge Jenkins, noticed in the last RECORD (page 360), on the right to strike. It was held that "the rule is without exception that equity will not compel the actual affirmative performance by an employee of merely personal services, any more than it will compel an employer to retain in his personal service one . . . who is not acceptable to him for service of that character." The undoubted evils of strikes without notice must be remedied, if at all, by legislation; "in the absence of such legislation, the right of one in the service of a quasi-public corporation to withdraw therefrom whenever he sees fit, must be deemed so far absolute that courts of equity cannot interfere." Accordingly the clause of Judge Jenkins's injunction which restrained the employees "from so quitting the service of said receivers, with or without notice, as to cripple the property or prevent or hinder the operation of said railroad" was declared void. But on the other hand the injunction was sustained so far as it prohibited the employees "from combining or conspiring to quit the service of the receivers with the object of crippling the property in their custody." The court held clearly illegal such combination or conspiracy designed to disable the property, either by obstructing its management, or by using force, intimidation or wrongful methods against employees to induce them to quit the service. At Cincinnati, October 3, the circuit court of appeals sustained the decision of Judge Ricks (see this QUARTERLY, VIII, 386) enjoining engineers from boycotting a road whose employees were on strike. As the supreme court had declined jurisdiction of this case, the present decision is final on the principle here involved.

THE STATE ELECTIONS. — The state elections have all indicated a continuance of the Republican reaction noticed in the last RECORD. Oregon, in June, chose an entire Republican ticket, the Democrats and Populists having failed to effect a fusion such as had been successful in the previous election. In Tennessee, Alabama and Arkansas, in August, the Democrats triumphed substantially over Republican and Populist fusions. Vermont and Maine, in September, gave largely increased majorities for

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the Republicans, and Georgia, in October, chose a Democratic governor by about 24,000 over Populists and Republicans, as against about 70,000 two years before.

VARIOUS STATE LEGISLATION. — The question of **dispensaries in South Carolina**, which had been quiescent since the decision of the supreme court against the constitutionality of the law, was revived by a proclamation of Governor Tillman, July 23, announcing that the dispensaries would be reopened on the first of August. The ground of his action was that one of the acts recognizing the system had not been passed upon by the court, that the state was "flooded with contraband whiskey sold without authority of law," and that the interest of the state demanded the enforcement of the dispensary system until further action was taken by the supreme court or the legislature. The dispensaries were accordingly opened again. On October 8, the supreme court rendered a decision sustaining the constitutionality of the act under which the governor was proceeding. Measures were immediately adopted for a more vigorous enforcement of the law, and evidence promptly appeared of the same friction that was described in the last RECORD. — In the voting on September 10 under a **local option law, in Arkansas**, the prohibition of liquor-selling was adopted in a majority of the rural districts, though licensing prevailed in the larger towns and villages. The total vote in the state footed up 49,594 against, and 47,662 in favor of the license system. — The activity of the attorney-general of **Illinois** against trusts and corporations took form in August in an application for a writ of *quo warranto* against the Pullman Palace Car Company. The ground of the application was that the company, while chartered solely for the construction and operation of cars, had engaged in many other enterprises and had exercised many powers wholly beyond the authority granted to it. Especially in the town of Pullman, which was entirely owned and controlled by the company, it had practically assumed the functions of a municipal corporation. The company has made a general denial of all the charges, but no decision has been rendered in the matter by the court. — A convention which sat through most of the summer and dissolved September 29 effected an extensive **revision of the New York constitution.** Among the thirty-one amendments which were agreed to were the following: The separation of municipal from state elections; the bestowal on the largest cities of a voice in special legislation touching their concerns; an increase in the membership of each house of the legislature, and a provision that the cities of New York and Brooklyn together shall never be assigned more than one half the members of the Senate; the prohibition of contract labor in the prisons; the prohibition of riders on appropriation bills; the prohibition of state or municipal aid to denominational schools; and a sweeping reorganization of the state judiciary. The revised constitution was ordered to be submitted to the people at the election in November.

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LABOR STRIKES. — During May and the first half of June the strike of **the bituminous coal miners**, which began in April, caused very serious trouble and some bloodshed. Nearly 200,000 men ceased work. Interference by the strikers and their sympathizers with the movement of coal on the railroads and with non-union men rendered necessary the calling out of the militia in Maryland, Ohio, Indiana, Illinois and Colorado, and in some regions federal marshals and troops were called upon to protect railways that were in the hands of the federal courts. Shortage in the supply of coal resulted in the shutting down of many manufacturing establishments, especially in the iron regions, and railroads remote from the scene of the strike in some cases maintained the movement of trains only by seizing the coal which they were transporting for others. Conferences between the officers of the Mine Workers' Union and the employers were almost incessant, but it was not till June 11 that an agreement was reached. Much difficulty in the negotiations arose from the fact that the necessity was recognized of different rates of wages in different regions, and the exact relation of these rates to one another was hard to fix. The result was in the nature of a compromise, in which the miners got a substantial advantage, but in some regions less than they had demanded. There was opposition to the agreement at first by some of the local organizations, but by the end of June work had very generally been resumed. — The settlement of the miners' strike was followed closely by the appearance of an even more extensive and threatening disturbance. On May 11 most of the employees of the Pullman Palace Car Company, at the town of Pullman, near Chicago, struck against a reduction of wages which the company held was rendered necessary by the bad condition of business. A month later the cause of the strikers was taken up by **the American Railway Union**, an organization including all kinds of railroad workers, which was especially strong in the Northwest. A demand was made upon the Pullman Company to submit the question at issue with their employees to arbitration. On the company's refusal, President Debs, of the Railway Union, ordered a boycott of Pullman cars. Going into effect first on June 25 on some of the roads entering Chicago, this order was gradually extended in its scope until, since the railroad managers refused to give up hauling the obnoxious cars, the result was a "tie-up" of nearly all the roads between Chicago and the Pacific coast. Throughout this region violent and unlawful means of stopping traffic were immediately made use of, though the most serious trouble was at Chicago and in California. By the first of July President Cleveland felt obliged to order regular troops to see that the mails and interstate commerce were let alone. Within the next five days rioting became very general in the suburbs of Chicago along the railroad lines, and thousands of cars were burned and much other damage was done by the mob. On the 6th Governor Altgeld, of Illinois, who had resented and protested against the use of the regulars, called out the state troops to restore order. On the 7th there were some sharp encounters between the militia and the

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rioters in the city, and on the following day the regulars inflicted some loss of life in dispersing a mob at Hammond, Indiana. This was followed by a proclamation by President Cleveland declaring practically a state of insurrection to exist in Illinois and especially in Chicago, calling upon the insurgents to disperse, and giving notice that the troops would deal mercilessly with such public enemies. A similar proclamation on the 9th applied to the states further west. From this time the rioting at Chicago ceased, the movement of trains was steadily resumed and the force of the strike was clearly broken. Attempts on the part of the local trades-unions and of the leaders of the Knights of Labor to bring great bodies of organized labor to strike in sympathy with the railroad men failed to elicit any general response from the members of those organizations, and the leaders of the Federation of Labor flatly refused to call for a sympathetic strike. Acts of violence in various scattered localities continued for some time, and martial law, with especially vigorous and bloody work by the regular infantry and marines, was necessary at Sacramento and other points in California before quiet was restored. On July 13 an offer of the labor leaders to end the strike on condition that the members of the American Railway Union should be taken back in a body into their former places was promptly rejected by the railroad authorities. On August 3 the union acknowledged its defeat by formally calling the strike off. — Great interest was excited by **the action of the national authorities** in connection with this matter. President Cleveland's course in sending regular troops to the scene of disturbance without awaiting the requisition of the state authorities or the action of the federal courts, was criticised as unconstitutional by Governor Altgeld and others. The instructions to the troops, however, expressly restricted them to the protection of the mails and of interstate commerce, — both purely national concerns, — and precedents and legislation of the era of the Civil War were employed by the attorney-general to justify such a policy. Moreover, the president's action was endorsed with no particular opposition by both houses of Congress. It is believed that this is the first instance in which the executive has used the troops to enforce the Interstate Commerce Law directly, without a preliminary appeal for aid from the judiciary. The action of the federal courts throughout this disturbance followed the lines laid down in recent decisions of labor questions as noted in this RECORD. First, there were injunctions issued in many places against interference with roads carrying mails and interstate commerce, and strikers were summarily punished for contempt of court. Again, indictments were found for rebellion and criminal conspiracy, and offenders were held for jury trial. President Debs and the other chief officers of the Railway Union were subjected to proceedings on both these lines. On July 2 a most sweeping injunction was issued by Judges Wood and Grosscup at Chicago, the effect of which was to restrain the labor leaders from interfering in any way with the business of the roads centering at Chicago. On the basis of telegrams of direction and advice to strikers sent by Debs after this, he and his colleagues

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were arrested in the latter part of July for contempt and were tried on this charge in the second week in September, but no judgment has yet been rendered. These same defendants were arrested on indictments July 10 and are still under bail for trial.

THE UNEMPLOYED. — Summer conditions, both in business and in temperature, reduced to insignificance the questions under this head which during the winter and spring had seemed rather portentous. The movement of **armies of the unemployed**, which had reached its climax at the end of the last RECORD, dwindled away to a most impotent conclusion. The Coxey army was obliged by the authorities to move out of the District of Columbia on May 12. It took up its quarters just over the line in Maryland, moving camp from time to time, as the hostility of the residents and the lack of supplies made change necessary. Desertions from the original band were compensated for more or less by negro recruits from Washington. Frye's California army arrived in detachments about June 1. Kelly's contingent, which at the end of the last RECORD was on the Des Moines River on flat boats, made their way by this means down the Mississippi and up the Ohio to a point in Kentucky, whence they proceeded on foot, reaching the vicinity of Washington early in July. Other minor bands succeeded in reaching their destination, but some considerable bodies, who employed stolen trains on the Northern Pacific and Union Pacific railways to help themselves eastward, were captured and imprisoned by federal marshals and troops in May. Among the bands which encamped around the national capital, numbering probably a thousand men, many causes worked toward disintegration. The hope of exerting any influence whatever on Congressional legislation was clearly futile. Many members of the "armies" who had been led merely by a search for adventure and a desire to see the East soon availed themselves of better opportunities for these ends than were given by a quiet camp life. As public interest and sympathy died away, the procuring of supplies became more and more difficult, and the possibility of illegal methods for this purpose increased the anxiety and hostility of the residents and authorities of the neighborhood. Coxey himself, after serving a short term in the District jail, traveled about the country soliciting contributions for his followers, but on July 26 he despondently told them that he had failed and that they would have to look out for themselves. A number of the band were about this time arrested as vagrants by the Maryland authorities, and the remnant appears to have silently dissolved. On the 11th of August a detachment of Virginia militia drove across the Potomac into the District of Columbia a remnant of the Kelly and Frye armies, and these were eventually furnished with transportation to their western homes by the government.

LYNCH LAW. — The newspaper record of lynchings for the period under review includes twenty-one cases in the South and one in the North. Of the victims in the South seventeen were black and four white. Actual or attempted rape of a white woman or child was the cause alleged in nine

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of the former cases. In but one case was any particular effort at bringing the lynchers to justice reported, and that was when six negroes who were on their way to the jail at Memphis, Tennessee, on a charge of arson, were taken from the bailiffs and shot down. Vigorous work by the authorities resulted in the discovery of the assassins, who were promptly indicted by an extraordinary grand jury summoned for the purpose. The single incident in the North was in Kansas, where a white man accused of murder was taken from the jail and hanged. At Washington Court House, Ohio, on October 17, a mob attempted to take from jail a negro who had pleaded guilty to a charge of assaulting a white woman, and had been sentenced to twenty years' imprisonment. The militia who had been summoned to guard the prisoner were obliged to fire on the mob, and some dozen were killed and wounded. — Some attention was attracted by the arrival in New York, in July, of Miss Ida B. Wells, a mulatto woman, who had for some time previous been seeking with more or less success to arouse public sentiment in England against the lynching of negroes in the South. Her efforts to win interest in her cause failed to attract any great sympathy in the North, so far at least as the press was concerned. In the South her agitation, as well as her personal character, was bitterly denounced.

II. FOREIGN NATIONS.

INTERNATIONAL RELATIONS. — Almost absolute calm has prevailed in this field for the period under review. The Anglo-Congolese agreement noticed below caused a slight ruffle in May and June, and there seems to have been considerable activity in foreign offices, though, so far as is known, without important results, in reference to the Anarchists. The assassination of President Carnot brought messages of sympathy to France from governments all over the world, those of the German Emperor and the King of Italy exciting especial interest. In some of the southern cities of France the fact that the assassin was an Italian was made a pretext for mobbing his countrymen, but the rioters were sternly dealt with by the authorities. — A tariff war between Germany and Spain was begun in May, at the expiration of the *modus vivendi* previously agreed to. The treaty which has been negotiated was not taken up for consideration by the Cortes during its session, and the war of rates still continues. — Shortly after the first decisive victory of the Japanese over the Chinese in Corea, England sounded the powers of Europe and the United States as to the desirability of joint diplomatic action to bring about peace. The responses, however, were generally unfavorable to action at that time.

THE ANARCHISTS. — The most startling of all the deeds in the recent revival of anarchistic activity was **the assassination of M. Carnot**, President of the French Republic, on the 24th of June. While driving through the

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streets of Lyons, where he was taking part in the opening ceremonies of an exposition, he was mortally stabbed by an Italian Anarchist named Santo Caserio. The assassin was immediately captured, and was executed August 16. His trial did not reveal any accomplices, though there was evidence tending to show that the deed was resolved upon by a band of Anarchists. Caserio boasted of his identification with the sect. On June 16, only a few days before the murder of Carnot, an unsuccessful attempt to shoot Premier Crispi had been made by an Anarchist, at Rome, and the assassination on July 1 of Signor Bandi, a Leghorn journalist, who had written strongly against the sectaries, contributed greatly to increase the general excitement. Governmental activity against anarchism immediately took throughout Europe an aggressive form. Domiciliary visits and arrests of suspected Anarchists in all the various countries resulted in the discovery of evidence indicating an international concert, if not a definite general organization, among the terrorists. More rigorous **repressive legislation** was proposed in nearly all the parliaments that were in session. In France the ministry brought in a very drastic bill, which, despite violent Radical and Socialistic opposition, was carried in the Chamber, July 26, by 268 to 163, was adopted on the following day by the Senate, and immediately went into effect as law. This measure rendered penal the instigation to, or apology for, crimes, when such instigation or apology aimed at promoting the Anarchist propaganda; increased the penalties for all the offenses involved in this propaganda and provided that imprisonment for such offenses should be solitary; gave jurisdiction of cases under this law to the courts without juries; and authorized the judges to prohibit the publication, either entirely or in part, of reports of the trials in all Anarchist cases. In Italy bills were passed early in July providing severe penalties for instigating or approving Anarchistic crime in the press, and authorizing the arrest and detention of "suspects" without judicial process. Switzerland also in July passed a law punishing the use of the press to "terrorize society or destroy the public security." Throughout the summer and fall the police in France, Spain and Italy were busily employed in ferreting out the sectaries, and the influx of fugitives into Switzerland caused the government of that state to take vigorous measures to protect itself from the scourge. Germany has escaped any startling outbreak, but bombs and terrorist literature have been discovered, and the police have been kept in a state of great activity. The same is true of Austria, though Bohemia produced several fatal explosions, due probably in some degree to the Czech discontent and agitation. The various governments have coöperated with one another in reporting the whereabouts of known Anarchists, and Great Britain and the United States have been notified when such persons have sought their shores.

GREAT BRITAIN AND IRELAND.— Despite the apparent weakness of Lord Rosebery's government at the beginning of this RECORD, it maintained itself successfully in **Parliament** throughout the session, which ended August 25. Sir William Harcourt's budget occupied most attention until

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its final passage by the Commons July 17. The features of the scheme most vigorously opposed were (1) the "aggregation" of all property, real and personal, in the assessment of the new death duties — a principle which it was held would lay heavy burdens on the estates of old families whose holdings of land and personalty were largely a matter of dignity and honor rather than of profit; (2) the graduation of these duties from four per cent on estates of £25,000 to eight per cent on those of a million and over, which was denounced as socialistic; (3) the creation of new exemptions among the smaller incomes, while the rate of the income tax was increased — also assailed as socialistic; (4) the increase of the excise on spirits and beer, which was opposed as increasing the burdens of the masses. The government's majority, though by the defection of the Parnellites it ran down to only thirteen on the spirits clause, rose to twenty on the final passage of the bill. The lateness of the date at which the discussion of the budget terminated obliged the government to abandon further efforts to pass the Registration Bill and the Welsh Disestablishment Bill. The Evicted Tenants Bill, which was indispensable to the continued support of the government by the Irish Nationalists, was taken up and passed in the Commons under the closure August 7. The government's majority was thirty-two. The measure was designed to settle the grievances of some 4000 tenants who had been dispossessed since 1879 for the non-payment of rents which public opinion as well as various legislative and judicial acts had since conceded to be unjust. The bill provided for a board of arbitration, with power to reinstate tenants either with or without the consent of the landlords at rents to be fixed by the board. If, however, a new tenant had taken the holding, his consent was necessary to the reinstatement; and if such consent were given, the board was authorized to pay half the compensation awarded for the relinquishment of the tenancy. A general expectation that the bill would fail in the upper house was fulfilled by its rejection with scant ceremony, August 14, by a vote of 249 to 30. The compulsory feature of the bill so far as the landlords were concerned was the chief ground of opposition. Of the other important measures of the session, that establishing a local government system for Scotland on the model of the English system was passed without much opposition. The private members' bill for an eight-hours working day in mines, after passing its second reading, was withdrawn on account of an amendment limiting its application to counties in which a majority of the miners desired it. — **Ministerial changes** were caused by (1) the resignation of Mr. Mundella as president of the board of trade, owing to his connection as director with an insolvent company whose methods were denounced by a court as fraudulent, and (2) by the advancement of the attorney-general, Sir Charles Russell, to the bench, first as lord of appeal and later, on the death of Lord Coleridge, as lord chief justice. Mr. Bryce succeeded to the position of Mr. Mundella, and Sir John Rigby to that of Sir Charles Russell. — **Hostility to the House of Lords** has continued to manifest itself with

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considerable strength among the Liberals. A conference under the auspices of the National Liberal Federation at Leeds, June 20, called for the express purpose of considering the position of the upper house, passed resolutions declaring the power of the lords to reject bills to be inconsistent with free popular self-government, calling upon the government to introduce a measure abolishing this veto power, and pledging the party to support such a measure. In a speech at Bradford, October 27, Lord Rosebery declared that the present Parliament could not last much longer, that the veto power of the House of Lords was responsible for this fact, and that the government proposed to present the further existence of that power in its present form as a definite issue on which to go to the people. — A select committee on the Irish Land Acts issued on the 23d of August a report on the result of their investigations into the working of those laws. According to the majority of the committee the judicial rents fixed between 1881 and 1885 are now excessive, the method of fixing the judicial rents is too complex and expensive, and in practice the tenants are charged rent on their own improvements, notwithstanding the law to the contrary. The committee recommended a shortening of the term for which judicial rents should run to not more than ten years, a simplification of the procedure, and an extension of the system so as to apply to the smaller pasture farms as well as the agricultural. The action of the committee is supposed to foreshadow new Irish land legislation at the next session of Parliament. — By a decision of a French court early in July a part of the Irish Parliamentary Party's funds, which, owing to the dispute between the factions, had been inaccessible in the hands of a Paris banker, became subject to the order of Justin McCarthy, the Anti-Parnellite leader. An agreement was ultimately reached between the two Irish factions by which the whole sum in the bank was secured and was for the most part devoted to the relief of the evicted tenants. The amount was upward of $200,000.

THE BRITISH COLONIES AND INDIA. — An **Intercolonial Conference** which met at Ottawa, June 28–July 9, on the invitation of the Canadian government, was attended by representatives from the British government, Canada, the Australian and South African colonies and New Zealand. The discussions were secret, but it was announced that resolutions were passed (1) recommending a customs arrangement between Great Britain and the colonies by which trade within the empire should be given an advantage over that with foreign countries; (2) approving the efforts of Canada and New South Wales to establish a steamship service between Vancouver and Sydney, declaring an uninterrupted line of swift communication between Australasia and Great Britain *via* Canada to be of paramount importance to the unity of the empire, and asking the imperial government to subsidize the Atlantic end of such a line; and (3) recommending an exhaustive inquiry, at the joint expense of the imperial and the colonial governments, as to the route and the cost of a telegraph cable across the Pacific from Canada to Australia and thence on to the Cape

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Colony. — **The Dominion Parliament** remained in session till July 25. Its work included the ratification of the commercial treaty negotiated with France in March, 1893, and the passage of the tariff bill outlined in the last RECORD. The treasury surplus which had led to the reduction of duties was found at the end of the fiscal year, June 30, to have been transformed into a small deficit. — **The crisis in Newfoundland**, due to the proceedings against a majority of the legislature under the Corrupt Practices Act, reached its solution through the method foreshadowed in the last RECORD. By July 30 successive trials in the courts had resulted in the conviction and unseating of fifteen adherents of the former government, including Whiteway and Bond, the chief members of the old cabinet. With supporters of the new ministry in the vacated seats, a majority was obtained and the legislature convened for a session that lasted only from the 2d to the 9th of August. Since June 11, when the last revenue act expired, the government had been obliged to collect the taxes without authority of law. The reconstructed legislature now passed an act of indemnity, and adopted the measures necessary to carry on the administration for the remainder of the year. — **Australian federation** has again been a subject of consideration in official circles at the antipodes. In June Sir George Dibbs, the premier of New South Wales, addressed to the premier of Victoria a letter in which a close union of these two colonies was suggested as a first step toward general federation, to be followed by the gradual attraction of the other colonies to this union. The outline of a constitution for the united colonies was submitted, which was urged as more economical and more likely to be accepted than the plan for general federation formulated by the convention of 1891. A general election in July resulted in the fall of the Dibbs government, and Premier Reid, who succeeded to power, and who is more in sympathy with the old federation scheme of Sir Henry Parkes, wrote at once to all the Australian governments announcing his readiness to give the matter a leading position in politics and asking if the other cabinets were disposed to do the same. From most he received favorable replies. It seems probable, now that the worst of the financial stress is past, that something definite may be done. The Victorian ministry also was overthrown in a general election in September, the tariff question being conspicuous here as in New South Wales. The result was more favorable to free trade in the latter colony and to protection in Victoria. — Considerable attention and some alarm were excited in **India** during May and June by a peculiar and general smearing of mango-trees with mud in the district of North Behar. The perpetrators of the acts and their motives were completely concealed, and there was some fear that the mysterious procedure denoted a secret political movement among the natives. As more or less discontent was manifest in the neighborhood on religious and fiscal grounds, thorough military arrangements were made to prevent any outbreak. The summer passed without important incidents, and the tree-smearing was considered by many to be a device of certain religious devotees to attract attention and pilgrims to a decadent shrine in the vicinity.

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FRANCE. — After meeting successfully a series of attacks from both extreme Right and extreme Left, the cabinet of M. Casimir-Périer succumbed, May 22, to a temporary combination of the two adversaries. On an interpellation in reference to the request of state-railway employees for leave of absence to attend a convention of their trade-unions, the minister of public works took the ground that employees drawing pay from the state would not be permitted to take part in the conventions which had in the past engaged in socialistic and unpatriotic demonstrations. On the vote the government was defeated by 265 to 225. The outcome of the crisis was another exchange of positions by MM. Casimir-Périer and Dupuy, in a reverse sense from that of the preceding December, the latter becoming premier and the former again president of the Chamber. The new ministry was, like the old, composed exclusively of moderate Republicans, and the ministerial program presented no new features. Affairs had hardly become normal after this crisis, when the assassination of President Carnot (see above) brought confusion again. According to the constitutional prescription, a joint convention of the two chambers of the legislature was immediately summoned for a **presidential election.** The convention met at Versailles, June 27, M. Challemel-Lacour, president of the Senate, in the chair, and on the first ballot chose M. Casimir-Périer by 451 out of a total of 851 votes. M. Brisson, the Radical candidate, stood second, with 195, and M. Dupuy third, with 97. The new president retained the cabinet of M. Dupuy. At the reassembling of the Chambers, July 3, the inaugural message of Casimir-Périer was presented. It dealt largely with the somber circumstances under which the writer had been called to his position; found cause for comfort in the spirit with which the republic had met the crisis; and announced the president's firm intention, at the end of his term, to resign the destinies of France to other hands. M. Burdeau was chosen president of the Chamber of Deputies, and the session was taken up chiefly with the anti-Anarchist legislation outlined above. The tax reforms which had been proposed by the Casimir-Périer cabinet (see last RECORD) were dropped and the whole subject of revenue readjustment was deferred till another year. Meanwhile a commission was appointed to investigate and report upon the proposal for an income tax. In connection with this investigation the minister of commerce has asked the opinion of all the chambers of commerce and kindred bodies as to the advisability of a special tax on speculative transactions ("futures") in produce. The chambers resumed their sessions after the summer vacation on October 23. — The Count of Paris died on the 8th of September, at Stowe House, his English residence since his exile from France. He left a political testament, dated July 24, in which, however, while setting forth his devotion to France and his firm conviction that in the national and traditional monarchy was her only safety, he refrained from indicating any specific line of policy for his son and supporters.

GERMANY. — The unsatisfactory relations between **the government and the parties** have been the central point in the generally quiet politics of

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the last six months. On July 9 the Bundesrath announced its refusal to concur in the Reichstag's repeal of the bill excluding the Jesuits and kindred orders. At the same time it made some concession to the Clericals by revoking its decree by which the Redemptorists and the Priests of the Holy Ghost ("Black Fathers") were included under "kindred orders." The Prussian Landtag adjourned May 31, after adopting the bill for establishing chambers of agriculture. The attitude of the Agrarian Conservatives continued through the session to be hostile to the government, and was manifested in the rejection, May 18, of the Dortmund-Ems Canal Bill, the passage of which was earnestly desired by the royal authorities. On a visit to Königsberg the Emperor William, speaking at a state banquet on September 6, directed a very vigorous protest and rebuke at the nobles of the vicinity who had been identified with the Agrarian League. He declared an opposition of Prussian nobles against their king to be a monstrous thing, and called upon them to trust him for justice to their interests and to close round him in the fight for religion, morality and order against the parties of revolution. Two weeks later, at Thorn, the emperor in a public address warned the Polish citizens of that place that their attitude toward the government was not what it should be, and that they could only enjoy his favor on an equality with their German neighbors by acknowledging unconditionally that they were Prussian subjects. Here too he appealed for union of all in the struggle against revolution. This speech of the emperor's was prompted by some recent revival in the Polish districts of discussions as to the possible restoration of the Kingdom of Poland. Prince Bismarck, also, shortly after the emperor's speech, delivered an address on the necessity of repressing such aspirations among the Poles. — The repeated allusions by the emperor to the danger of revolution were regarded as foreshadowing a repressive measure of some kind against the Anarchists. Rumors of serious differences of opinion among the emperor's chief advisers as to the form and severity of such a measure seemed to be confirmed by the **retirement of Chancellor von Caprivi**, October 26. Count Botho zu Eulenburg, the Prussian premier and minister of the interior, who was understood to have opposed the chancellor's projects against the Anarchists as too lenient, also retired at the same time. On the following day Prince von Hohenlohe-Schillingsfürst was appointed chancellor and Prussian premier, while Baron von Koeller became Prussian minister of the interior. This arrangement restored the union in the same person of the chief imperial and the chief Prussian office, which had been separated by Caprivi in the spring of 1892 (see this QUARTERLY, VII, 389). Other changes of *personnel* in ministerial and high official circles were in process of adjustment when this RECORD closed. — During the last week in October decrees were published excluding American cattle and fresh meat from most of the German states, as a sanitary measure against "Texas fever." The measure gave great satisfaction to the Agrarians.

AUSTRIA-HUNGARY. — The absorbing topic in Francis Joseph's

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dominion has been **the Kulturkampf in Hungary**. The rejection of the Civil Marriage Bill by the House of Magnates on the 10th of May was followed by a violent popular agitation, which took form to some extent in a demand for the "mending or ending" of the upper house of Parliament. The Wekerle ministry obtained a vote of the lower house adhering to the bill, and then appealed to the king for a pledge that in case of another rejection by the Magnates enough peers should be created to overcome the adverse majority. The monarch's reluctance to take this extreme step resulted in the resignation of the ministry, May 31. After a fruitless attempt by Count Khuen Hedervary to form a cabinet, Wekerle was again called upon, amid great jubilation among the people. A sharp struggle, caused by Conservative pressure upon the king to exclude the former minister of justice, von Szilagyi, whose zeal for the bill had made him especially obnoxious to its adversaries, ended in the minister's retention, and the old cabinet, with changes of *personnel* in only three offices, resumed its place June 9. Meanwhile the king found other means than the desired creation of peers to employ among the Magnates, and on the 21st the bill passed the house by a majority of four. Certain court officials, whose unexpected appearance to vote against the bill in May had excited severe comment, were conspicuously absent at the second vote. The other bills included in the government's general scheme of reform in religious politics, having been passed in the lower house, came before the Magnates early in October, after the summer recess. Two of the series, that granting liberty of worship to all denominations and that putting the Jewish religion on an equal footing with the others recognized by the state, were rejected. The former of these was defeated by the government itself, after the house had struck out a clause putting citizens not confessing any creed on the same civil footing as those belonging to the regular sects. The other features of the government's scheme were all adopted. Of the rejected bills, that on freedom of worship was passed again by the lower house without change, and sent to the Magnates. — In **the Austrian Reichsrath**, which met in the middle of October, the ministry showed a surplus in the treasury, and indicated a purpose soon to present to the house its bill for the extension of the suffrage.

ITALY. — The struggle over **the Crispi cabinet's financial program** resulted early in June in a serious check for the ministry. To meet the strong demands of the deputies for economies in the administrative departments, Crispi had proposed that the government be given full powers to effect a reorganization of these departments. This proposal strengthened the opposition, and on June 2 the prime minister changed his tactics and moved the appointment of a parliamentary commission to prepare a scheme of economies in the administration, pending whose report the discussion of the financial measures should be suspended. This motion was carried by only 225 to 214, and on June 5 the cabinet, in view of the smallness of the majority, resigned. The crisis was solved on the 14th by the cabinet

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resuming its position, but with a rearrangement of portfolios so as to take that of finance away from Signor Sonnino, who had formulated the government's program. Crispi announced that that program would be modified by dropping the increase of the land tax, as well as several proposed new taxes, and making up for this loss of revenue by further economies of twenty millions in the administration. These economies were to be planned by a parliamentary commission, whose appointment, however, should be deferred till fall. The Chamber endorsed this program, and the various measures in the modified scheme were ultimately adopted. A committee of generals was also appointed by the minister of war to seek means of economizing in that department without diminishing the effective strength of the army. The committee reported early in October some suggestions for simplifying the administration. — Something of a sensation was caused by certain phrases in a speech of Signor Crispi at Naples, September 10. Speaking at a large public assembly, he referred to the godless Anarchist movement that was threatening society, and exhorted his hearers to inscribe on their banner: "With God, with King, for the Fatherland!" and to "show to the people as the sign of salvation: '*In hoc signo vinces.*'" These words were at once construed as indicating a desire for a *rapprochement* between the Vatican and the Quirinal, and were hailed in many clerical circles as a cry of distress from the secular power that felt its impotence without papal aid. Crispi himself is reported to have said that the words meant no more than that all who were interested in social order should oppose anarchism. — On October 21 the government, under powers conferred by the recent legislation, decreed the suppression of 271 workingmen's associations in various parts of Italy, on the ground that they were propagating extreme socialistic ideas. All the books and papers of the societies were seized. At the same time a clerical editor at Rome was expelled from the country for his hostility to the government and its measures.

SPAIN. — The difficulties of the Sagasta ministry in trying to get support from the factions of the Cortes have been most serious. The summer session ended without any endorsement of the government's financial and commercial projects; and at the end of October the preparation of measures for the approaching session resulted in a break-up of the ministry, chiefly on the tariff question. Señor Sagasta retained his position, however, and on November 5 a new cabinet under his lead assumed power. It is expected that the new government will strive for a very liberal trade policy, though such a policy will not be supported by the whole Liberal Party.

RUSSIA. — The scanty bits of news that pass the frontier have indicated that in May and June a recrudescence of the revolutionary propaganda was feared or detected by the police. Very numerous arrests were made in the capital and other towns, especially among the students, and quantities of "contraband" literature were seized. — About the first of October the bad condition of the Czar's health began to attract much attention, and it

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became definitely known by the middle of the month that the monarch was suffering from some malady which threatened soon to prove fatal. Preparations were begun for celebrating at once the marriage of the Czarewitch, which had been appointed for a much later date, and the bride-elect, Princess Alix, of Hesse-Darmstadt, proceeded to Livadia. But before arrangements for the ceremony had been completed, the **death of the Czar Alexander** took place on November 1. On the following day the Czarewitch proclaimed his accession to the throne as Nicholas II, with the Grand-Duke George as heir apparent.

MINOR EUROPEAN STATES. — The new de Burlet ministry in **Belgium** was obliged, by the fierce opposition to its proposed grain tariff, to withdraw the bill, June 12, and the legislature, after providing for the general elections in the autumn, adjourned. The elections — the first under the extended suffrage of the revised constitution — took place October 14, and resulted in a great triumph for the Clericals, with important gains by the Socialists, who for the first time secured representation in the legislature. The Liberal Party was literally overwhelmed. — The preliminary **elections for the Storthing in Norway**, which are not completed at the close of this RECORD, show very considerable gains for the Radicals in the towns. Christiania comes for the first time into the hands of this party. Conservative gains in the rural districts have not been on a sufficiently large scale to counterbalance the losses in the towns. — King Alexander's conflict with the Radical Party, described in the last RECORD, gave rise in May to **another coup d'état in Servia.** On the 21st the king issued a decree "suspending" the constitution of 1888 and restoring that of 1869. The alleged reason for this proceeding was the discovery of a Radical plot to set up the Karageorgewitch dynasty. Under the constitution that was put in force, the franchise is greatly restricted, voting is not secret, and one-third of the Skupschtina is appointed by the government. The king's action gave the opportunity, moreover, to rid himself of the courts and administrative departments in which the Radicals had entrenched themselves, and to crush all opposition by restrictions on the press and individual rights which were not permitted by the constitution that was overthrown. The precautions taken by the king were sufficient to prevent any outbreak of violent resistance to his measures. The Nikolaiewitch ministry resigned October 26 and was succeeded by a non-partisan cabinet headed by M. Christitch. — Politics in Bulgaria assumed a new and exciting phase at the **fall of the Stamboloff ministry**, May 29. The prime minister, who had guided the state with a strong hand since 1887, seems to have become distasteful to Prince Ferdinand. The prince, however, in accepting his resignation, paid a warm tribute to the service he had rendered to his country. For several days after the announcement of Stamboloff's retirement, the exultation of his foes led to riotous conflicts with his followers in various parts of the principality, in which there was some bloodshed. A new ministry was constructed out of the Conservative

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and Russophile parties, with some members of the faction of the Liberals that opposed Stamboloff, and this coalition was headed by Stoïloff, a Conservative. The general attitude of the new government is less antagonistic to Russia than that of the old, and Prince Ferdinand is said to have hopes of securing formal recognition by the Czar. The Sobranje, without assembling, was dissolved August 1, and in the elections held September 23, the ministerial factions secured about 100 members, to 50 of the opposition. The new Sobranje assembled October 27. — The general situation in **Greece** has not been particularly reassuring. All through the summer M. Tricoupis was in negotiation with a joint committee of English, French and German bondholders, trying to make some arrangement with reference to the defaulted securities; but no agreement has yet been reached that is satisfactory to all the parties. Brigandage has shown a tendency to increase in several parts of the kingdom. A great sensation was caused by the action of a body of army officers stationed at Athens, who, taking umbrage at certain comments on some of them in the *Acropolis* newspaper, deliberately organized a storming party of soldiers, and in broad daylight completely sacked the offices of the paper and the residence of the editor. Eighty-six officers were tried by court-martial about the first of October and were unanimously acquitted.

AFRICA. — A further **delimitation of spheres of influence** in the region of the upper Nile was made by a treaty between Great Britain and the Congo Free State dated May 12. The purpose of this was to settle the questions which had arisen out of the decay of the Mahdist power and the occupation of posts on the upper Nile by both Belgian and British forces from the south, while the French were approaching from the Western Soudan. The result aimed at by the treaty was to secure to England a strip of land on the west bank of the Nile between Albert Nyanza and 10° north latitude, and to the Congo State the extensive Bahr-el-Gazal region to the westward, the latter forming a buffer between the British and the French Soudan. England also secured a strip of land twenty-five kilometers wide running from Lake Albert Edward to Lake Tanganyika, but the article of the treaty granting this was abrogated in the summer when it was shown to involve a violation of an earlier treaty between England and Germany. France entered very energetic protests against the partition of the Nile region, on the ground that it was part of the territory of Egypt and hence of the Ottoman Empire, the territorial integrity of which was under the guarantee of the European powers. More effective than these protests was a treaty between France and the Congo Free State of August 14, by which the latter agreed not to occupy or exercise political influence in a region which includes most of the territory assigned to her in the treaty with England. — Italian forces from Massowah inflicted a serious blow on the Mahdist power east of the Nile by the capture of Kassala, July 17. This town is an important trade-center lying just without the Italian sphere of influence, and has long been a stronghold of the Dervishes. It is now

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held by an Italian garrison. — British contact with the Nile from the south was effected through the conquest of Kabarega, native King of Unyoro, by a force from Uganda in the winter and spring. The expedition pushed north till it reached the Nile town of Wadelai. — A resolution to reach a definitive settlement of **the friction between France and Madagascar** as to the rights involved in the protectorate of the former over the latter, was indicated by the despatch of a special commissioner, M. Le Myre de Vilers, to the Malagassy capital in the middle of September, and by the reinforcement of the French fleet in East African waters.

CHINA AND JAPAN. — A war between these two Oriental powers began in July. The ostensible starting-point of the trouble that resulted in hostilities was a local insurrection which broke out in May in one of the southern provinces of Corea. The cause of the insurrection was primarily the misrule of the authorities, with possibly some influence by the quarreling court factions at the capital. The Corean king applied at once to China as his suzerain for assistance in subduing the insurgents, and a Chinese force was sent. Japan, thereupon, claiming that Corea was an independent state and that China had no exclusive right to interfere, promptly began to pour large forces into Corea, to protect Japanese interests. By the middle of June a whole Japanese army corps was at Seoul, the Corean capital, and the Japanese minister soon formulated a radical scheme of administrative reforms which he demanded as indispensable to the permanent maintenance of order in the country. This scheme was rejected by the conservative faction which was in power at court, whereupon, on July 23, the Japanese forces attacked the palace, captured the king and held him as hostage for the carrying out of the reforms. The Chinese were meanwhile putting forth great efforts to make up for the advantage that their rivals had gained in the race for control of Corea, and to strengthen their forces in that kingdom. On the 25th a Chinese fleet carrying troops to Corea became engaged in hostilities with some Japanese war vessels, and one of the transports was sunk. On August 1 the Emperor of Japan made a formal declaration of war on China, basing his action on the false claim of the latter to suzerainty over Corea, and on the course of China in opposing and thwarting the plan of reforms which were necessary to the progress of Corea and to the security of Japanese interests there. The counter-proclamation of the Chinese Emperor denounced the Japanese as wanton invaders of China's tributary state, and as aiming at the enslaving of Corea. On August 26 a treaty of offensive and defensive alliance against China was made between Japan and Corea. The course of hostilities to the end of this RECORD shows an unbroken series of successes for Japan. Her forces have surpassed those of her adversary both in numbers and in organization and equipment. A severe engagement at Ping-Yang, September 16, resulted in the rout of the Chinese and the loss of their last stronghold in Corea. A few days later the hostile fleets had a pitched battle off the mouth of the Yalu River, with the result that the Japanese were left in full control of the adjacent

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waters. On the 26th of October the Japanese land forces brushed aside with slight resistance the Chinese on the Yalu, which is the boundary between Corea and China, and began their advance through the Chinese province of Manchuria, apparently aiming at Pekin. — The war with China had a markedly beneficent influence on the **internal politics of Japan**. A newly elected Parliament met at Tokio, May 12, but was dissolved on the 31st, owing to a renewal of the deadlock between the House and the ministry, the latter refusing to accept an address of censure. This was the fifth dissolution on substantially the same point since the new constitution was adopted. The elections in September gave results which made no great difference in party strength; but the development of the war and the successes of the army had aroused so strong a patriotic spirit that at the opening of the Parliament, October 19, there was manifested a general willingness to support the government in its war policy entire. — A treaty concluded with Great Britain, August 25, made a beginning in the recognition of Japan's position among the civilized powers. This treaty opens practically the whole land to British trade and industry, and in return Great Britain agrees that the jurisdiction of foreign consuls in the old treaty ports shall be abolished, though not till after five years from the date of the treaty. It is understood that other nations, including the United States, are in negotiation for treaties on similar lines.

LATIN AMERICA. — The unsettled condition in **Brazil** did not immediately disappear with the collapse of the naval insurrection in April. The Congress met on May 14, but accomplished little beyond proclaiming a renewal of the state of siege after its expiration June 30. The government seems to have been carried on since chiefly by presidential decrees, Peixoto's term having not yet expired. On the day that Congress met, the president broke off diplomatic relations with Portugal, because the latter would not give adequate satisfaction for the conduct of her captains in allowing insurgents to take refuge in, and then to escape from, her warships. — The disturbed condition of **the Musquito coast** (see last RECORD) continued through the early part of the summer. Supported by intriguing British and American residents at Bluefields, the Indians made some resistance to the Nicaraguan authority, but finally, with the approval of the United States and Great Britain, the Nicaraguan government assumed full sovereignty over the Indian reservation, and on August 8 sent a force which put resistance out of the question and ended the turmoil. A number of the intriguing British and Americans were banished from the country. — A military uprising in Salvador, headed by General Gutierrez, on the night of May 29, resulted, after a few days of severe fighting, in the overthrow of President Ezeta, who escaped to the United States.

WM. A. DUNNING.

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